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Free Minds and Free Markets

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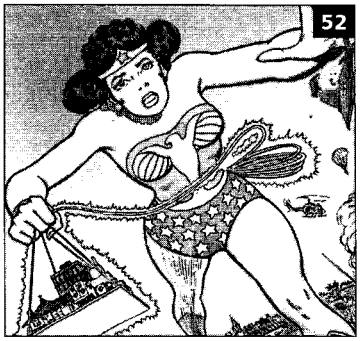

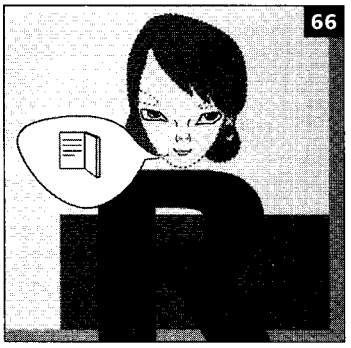

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The Census and *The Sopranos*

Adventures in a post-racial America

By Nick Gillespie

It's fitting that the March release of preliminary data from the 2000 Census coincided with the third-season premiere of *The Sopranos*, HBO's popular and critically acclaimed series about suburban New Jersey mobsters. In their own ways, both the Census and *The Sopranos* foreground issues of ethnic identity. Both also reflect the breakdown of accepted notions of what those identities mean, and both raise questions about what might—or should—come next. Even as that breakdown gives rise to all sorts of social tensions and anxieties (witness ongoing debates over affirmative action), it is a development that is to be cheered. It points to a time when the United States may finally move beyond its long, tortured fixation on race and—more important—its history of according privilege on the basis of racial and ethnic categories.

Tony Soprano represents a cautionary tale for an America that is struggling to move beyond fixed notions of racial and ethnic identity.

Most of the news coverage of the early Census data stressed the increase in the number of Hispanics over the past decade, especially in relation to blacks, the country's largest minority group. Demographers have long predicted that Hispanics, who made up only 3.9 percent of the total U.S. population in 1960, would become the single largest minority group in America sometime early in the 21st century. That moment is about to arrive: Government figures estimate that last April 1, there were some 35.3 million Hispanics, just shy of 35.4 million non-Hispanic blacks. (Hispanics can be any race; they are defined by the Census as an ethnic category describing people of "Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin.")

While the number of blacks increased by about 21 percent over the past decade, the number of Hispanics increased by 60 percent. Most of this is due to immigration, which also explains the large percentage increase in non-Hispanic Asians, who saw their number grow by 74 percent since the 1990 Census, to a total of about 11.5 million. Non-Hispanic whites increased by about 5 percent since the last count, to about 198.2 million.

But the most interesting trends revealed by the Census are those that suggest a blurring of traditional racial and ethnic identities. It's worth underscoring that such "traditional" categories are mostly of relatively recent invention. While the U.S. Census has always asked a race question, such categories have never been stable. As Melissa Nobles, author of *Shades of Citizenship: Race and the Census in Modern Politics*, has written, official racial and ethnic categories have changed with almost every census, usually as a means of marginalizing those deemed not "white." The 1870 Census, for instance, included categories such as "white, black, mulatto, Chinese, and Indian." By 1920, the categories were "white, black, mulatto, Indian, Chinese, Japanese, Filipino, Hindu, Korean, and other." In fact, as an official Census category, "Hispanic" only dates back to 1970.

The 2000 Census, the first to let individuals designate themselves as multiracial, allows for 63 possible racial/ethnic combinations. This change, controversial when first proposed in the late '90s, reflects social reality even as it remakes it. Census bureau officials are inarguably correct when they stress (as one did to *The New York Times*) that "there is more diversity than ever before" in the United States. Yet it's also the case that the new categories encourage all people to think of themselves in ways that exceed or complicate existing designations. Mulling over the higher-than-expected multiracial numbers for blacks, Urban Institute demographer Jeffrey Passell told *The Washington Post*, "It demonstrates a willingness, a desire to report more details about their genealogy."

While only about 2.4 percent of respondents (6.8 million) identified themselves as members of more than one race, most demographers expect that figure to climb to at least 20 percent by 2050. Evidence for this outcome can be gleaned from the responses of blacks to the Census. Overall, about 5 percent categorized themselves as being of more than one race. Younger blacks, however, were more likely to call themselves multiracial. Among blacks age 50 and older, for instance, 2.3 percent labeled themselves as being more than one race; for those ages 30 to 49, the figure was 3.1 percent; for those ages 18 to 49, it was 4.6 percent; and for those 17 or younger, it was 8.1 percent.

How will the appreciation for and articulation of multiracial identities play out? All Americans are likely to conceive of themselves in more and more individualized terms, not just regarding race and ethnicity, but in terms of other defining characteristics, too, including region, sexual orientation, class, and the like. With respect to racial and ethnic categories, the multiracial designation works to replace discrete, fixed categories with a far more nuanced appreciation for ever-changing, highly individualized diversity. It complicates any and all attempts to use race as a basic category of analysis or policy. In a world in which everyone is mixed, where

Pregnant Women and their Babies: Drug War Casualties?

Despite overwhelming medical consensus that pregnant drug users should have access to health care, calls for criminalization and separation of mothers from their newborns continue. Punitive approaches that stigmatize pregnant drug users undermine women and children's health, threaten a range of civil rights and liberties, and dangerously expand the war on drugs. Moreover these approaches are based on dangerous myths:

MYTH #1: All Drug-exposed children are seriously damaged at birth.

FACT: Women who can't abstain completely from drugs, can give birth to healthy children especially if they have access to prenatal care.[1] While some newborns do experience adverse short or long-term consequences from a variety of legal and illegal substances, the sensational news reports about crack that fueled the call for criminalization have not been substantiated. Research has found that crack-exposed children are not doomed to suffer permanent mental or physical impairment,[2] and that whatever effects may exist are greatly overshadowed by poverty's impact on brain development.[3]

MYTH #2: Women who use drugs can simply stop.

FACT: Sudden withdrawal from some drugs can be dangerous to the woman and her pregnancy.[4] Moreover, because addiction is a chronic relapsing condition, it is unrealistic to expect anyone to overcome a drug problem instantaneously or without support. The success and cost-effectiveness of drug treatment is well documented but there is a severe lack of appropriate treatment for women.[5]

MYTH #3: Threatening pregnant women who use drugs with criminal penalties or loss of custody protects their children.

FACT: There is overwhelming medical and public health agreement that punitive approaches will not work because they deter women from seeking prenatal care and drug treatment and undermine the trust essential to the healthcare provider-patient relationship.[6] Calls for punishment unfairly stigmatize both women and children and distract from the real issue: lack of commitment to meaningful drug treatment and reproductive health care for women in this country.

Expectant Mothers Deserve Compassionate Health Care - Not Prison!

1 Andrew Racine et. al., *The Ass'n Between Prenatal Care and Birth Weight Among Women Exposed to Cocaine in New York City,* 270 JAMA 1581, 1585-86 (1993).

2 Deborah A. Frank *et al., Maternal Cocaine Use: Impact on Child Health and Development,* 40 Advances in Pediatrics 65, 92 (1993).("[t]o date no hypothesized or demonstrated effect of in utero-cocaine exposure has been found to be specific to that drug. No studies have shown that prenatal cocaine exposure causes unique developmental dysfunction." See also, Linda C. Mayes et al., *The Problem of Prenatal Cocaine Exposure: A Rush to Judgment,* 267 JAMA 406 (1992).

3 Hallam Hurt et al., *Problem-Solving Ability of Inner-City Children With and Without In Utero Cocaine Exposure,* 20 Dev. & Beh. Pediatrics 418 (Dec. 1999).

4 See Center for Substance Abuse Treatment, Pregnant, Substance-Using Women 6 (1993) (U.S. Dept. of Health & Human Servs.Publication No. (SMA) 93-1998), 19, 26.

5 Id.; Charles Marwick, *Physician Leadership on National Drug Policy Finds Addiction Treatment Works,* 279 JAMA 1149 (1998); Drug Strategies, *Keeping Score, Women And Drugs: Looking at the Federal Drug Control Budget* 16-17 (1998); Vicki Breitbart et al., *The Accessibility of Drug Treatment for Pregnant Women: A Survey of Programs in Five Cities,* 84 Am. J. Pub. Health 1658 (1994).

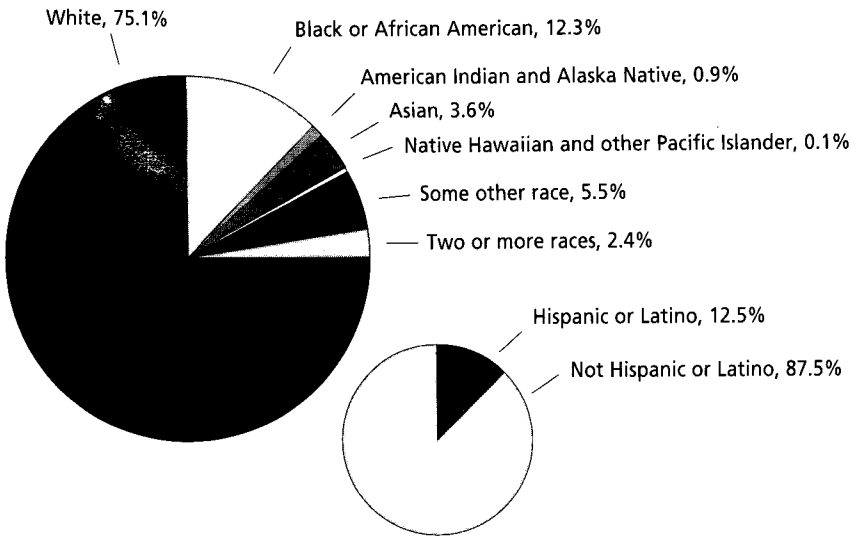
6 American Academy of Pediatrics, Committee on Substance Abuse, *Drug Exposed Infants,* 86 PEDIATRICS 639, 641 (1990); American Medical Association Board of Trustees, *Legal Interventions During Pregnancy,* 264 JAMA 2663, 2667 (1990); March of Dimes, Statement on Maternal Drug Abuse (1990): Center for the Future of Children, *Recommendations,* in The Future of Children 8 (Richard F. Behrman ed., 1991).

For more information on pregnant women and drugs contact:
National Advocates for Pregnant Women *www.NAPW.Net * NAPW1@aol.com* or
Common Sense for Drug Policy at *www.csdp.org, info@csdp.org,* 703-354-9050, Kevin B. Zeese, President

everyone is a mongrel, it will be increasingly difficult to make appeals to old racial and ethnic categories.

This move away from rigid definitions of race and ethnicity is already underway. In his recent book, *Against Race*, cultural studies scholar Paul Gilroy argues against "lingering respect for the idea of race," even as he explores the effects of racism. In the public policy arena, the recognition of multiple racial and ethnic identities will make it increasingly harder for proponents of race-based quotas to press their case. The growing understanding that there is no unified racial or ethnic identity or experience is part of the reason why, as John McWhorter, author of *Losing the Race: Self-Sabotage in Black America*, notes, "Increasing numbers of enlightened and concerned thinkers, black and white, argue that we must end [racial preferences] now" and instead emphasize individual initiative and self-reliance.

Population by Race and Hispanic Origin for the U.S.*


White, 75.1%
Black or African American, 12.3%
American Indian and Alaska Native, 0.9%
Asian, 3.6%
Native Hawaiian and other Pacific Islander, 0.1%
Some other race, 5.5%
Two or more races, 2.4%
Hispanic or Latino, 12.5%
Not Hispanic or Latino, 87.5%

*Numbers do not add to 100 due to rounding.
Source: U.S. Census Bureau, Census 2000

So what does any of this have to do with *The Sopranos*? The show is a bona fide cultural phenomenon. Not only does it draw HBO's best ratings, but a boxed set of its first season has sold over 500,000 units on videotape and DVD, and the cast was recently featured on the covers of *Rolling Stone* and *TV Guide*. A riveting mix of gruesome drama and black humor, *The Sopranos* follows the travails of Mafioso Tony Soprano, who suffers from panic attacks and is seeking psychological counseling (among other ailments, Tony literally passes out nearly every time he reaches for a slice of capicola).

The show can be profitably read as a meditation on a played-out ethnic identity—in this case, the Italian-American gangster—and the difficulty of forsaking such an identity even when it is no longer particularly useful or beneficial.

Tony Soprano is not your father's Godfather: He has moved from the working-class neighborhoods that are the traditional province of Mafia capos and into an expensive suburb and a massive house described by the show's designer as "New Jersey elegant." Even as he continues to run his rackets and whack his enemies (and, on occasion, his friends), he is the model of upward mobility who wants to fit in with his upscale neighbors. His daughter attends Columbia (the missus sniffs at mere state schools), and his high-school-age son is similarly college-bound (to West Point, if Tony gets his way). He doesn't want his son to follow him into a life of crime and he similarly counsels the son of his deceased best friend to steer clear of the Mafia at all costs. Tony is a dinosaur, a dying breed who no longer needs to exist.

The great justifying myth surrounding the Mafia—recounted again and again in books such as *The Godfather* and Vincent Teresa's *My Life in the Mafia*—was that it represented the only way Italians could get ahead in an America hostile to Southern Europeans. Whether there was ever any truth to such a self-serving narrative (my mother's parents, who were off the boat from Naples, didn't think so), it is patently false in *The Sopranos*' universe. Many of Tony's wealthy neighbors are themselves Italian American, as is his doctor. He is highly ambivalent toward them, living among them yet mocking their relatively deracinated ways (they don't speak Italian, for example). But he also recognizes that he is simply a thug and it is this self-knowledge that imbues him with a tragic dimension—and those signature fainting spells. Try as he might, he cannot integrate the old Mafia lifestyle with his arriviste suburban setting.

Despite the disconnect, there is no suggestion that Tony could or would give up his life. Indeed, he's even quick to police old racial lines and tries to stamp out his daughter's first college romance with a part-black student. Tony's identity, which is irrevocably tied up with his ethnicity, is simultaneously his source of power and his source of neurosis. He is effectively paralyzed, unable to move beyond an ethnic identity that he recognizes doesn't work as it once might have. As such a figure, he represents a cautionary tale for an America that is moving beyond fixed notions of racial and ethnic identity and embracing new definitions that make more sense in the contemporary world.

That is hardly an easy task, whether one is a member of a minority or the majority. It fills all of us with a great measure of anxiety, even as we recognize it as necessary. One reason Tony Soprano resonates so strongly with viewers is that his shaky position reflects our own. ◆

Nick Gillespie (gillespie@reason.com) is REASON*'s editor-in-chief.*

CORRECTION

A Brickbat in the March issue incorrectly stated that the popular Web site WorldNetDaily.com was among the groups the Simon Wiesenthal Center listed in Digital Hate 2001, a compilation of "hate sites across the Internet." WorldNetDaily was not mentioned in the report. In fact, it ran an article critical of the report's overly broad definition of hate groups and the Center's decision to pull the original report and reissue a substantially different list. We regret the error.

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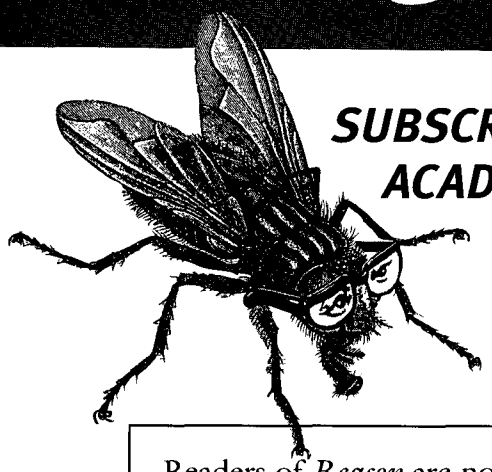

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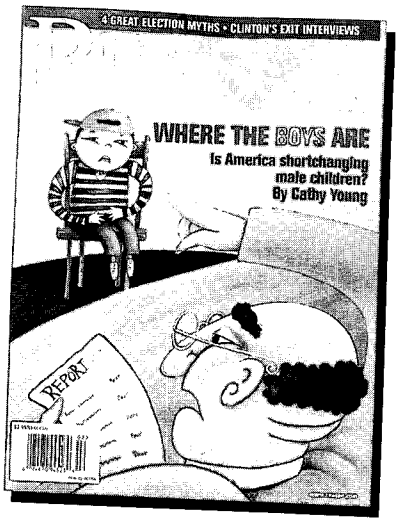
4 GREAT ELECTION MYTHS • CLINTON'S EXIT INTERVIEWS
WHERE THE BOYS ARE
Is America shortchanging male children?
By Cathy Young
REPORT

Sprawl Talk

In his review of several books on suburbia ("Room to Grow," February), Sam Staley contends that sprawl-and-mall suburbs are simply what people want and implies that any alternative is bound to be something bossy and over-planned like Celebration, Florida. This claim strikes me as simplistic and ahistorical.

Forty years ago, in *The Death and Life of the Great American Cities*, the great Jane Jacobs laid waste to the idea that a town or city can be built like a machine. She showed that the "ethnic" urban neighborhoods that the planners wanted to tear down were models of community in action, not deplorable "slums." She also showed that the planners were stuck in a Newtonian "two-variable" view of the world and had not entered the era when science attempts to deal with "organized complexity" (ecology, information theory). There is the same debate today in forestry, where the environmental community sees a forest as an interwoven set of biological systems of awe-inspiring complexity, while the timber industry sees a forest as a "tree farm."

It is somewhat fashionable to defend contemporary sprawling suburbs as somehow the spontaneous result of people doing their thing. Those who believe otherwise are accused of advocating the sort of planning Ms. Jacobs deplored. This theory ignores the extent to which sprawl development is the result of deliberate government policy, both federal and local. Tax law, lending regulations, and numerous perversities in planning, zoning, and tax codes, all contribute to some of the worst features of sprawl development: its waste of land, its artificial separation of functions (you can't walk down to the store or to a movie) and its transportation nightmares (work is further and further away—there are people in California who commute for four hours a day).

There are restrictions and there are restrictions. Without urban growth boundaries such as those Portland has so wisely adopted, much of the open space and natural beauty that most Americans treasure will be lost. (I note that it is voters who are putting in UGBs by referendum —politicians and bureaucrats tend to resist them.) So planning is needed, but not the totalitarian kind of either the Disney traditionalists or the New Deal modernists. We need planning that makes more room, not less, for people to do their thing in their many and varied ways. Planning that is based on the way people are in the real world, not on what officials and bureaucrats think they should be like.

None of this implies that suburbs are a bad thing, or that everybody has to live in a big city. It is simply a matter of acknowledging that what worked well in 1957 doesn't necessarily work well in 2001, and that we need to look at new ways of getting what we want while avoiding some of the unintended consequences of past ways of doing things.

Mr. Staley writes, "It's residents who create communities, not architects or planners. Urban design can certainly facilitate community building, but it can't dictate it." I couldn't agree more. Planners, politicians, developers, and just plain folks all need to keep that philosophy in mind.

Joe Willingham
Berkeley, CA

Thank you for Sam Staley's very interesting article on suburbs past and present. Yet I think that he has missed the appeal

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of New Urbanism to those of us who are neither Marxist nor especially interested in community life.

What withers in suburbia is quality of life. The maddening inconvenience of having to drive everywhere (and sit in the parking lots we call "commercial streets" and "freeways"); the total dependence it forces on our children, who require full-time chauffer services for any activity outside home; the alienating quality of living in a landscape you don't (and by design can't) walk through—this is the core of suburban misery, from which most of my friends have tried to escape by moving to a relatively urban center.

Yes, the ugliness of suburban sprawl is depressing, but let's admit that most American cities are no great beauties either. It's just that living in a city or town of walkers and public transportees is so much less labor-intensive and more stimulating than the coma of the Sherwoode Forestes and Foxcrofte Pointes.

Sonya Nikolsky
Durham, NC

"Room to Grow" was excellent. I was especially glad to see the review of the Levittown material. Have you ever seen the Zippy comic series? It dealt with the evolved landscape of Levittown. The cartoonist (Bill Griffith) apparently lived there as a child, and notes how those cookie-cutter homes, together with the landscape of which they are a part, have evolved in a most diverse and complex manner over the past 50 years.

Michael Martin
Assistant Professor
Iowa State University
Ames, IA

Sam Staley replies: I concur with Sonya Nikolsky's point that New Urbanist design appeals to many preferring a denser, more urban living environment. The New Urbanist vision provides an alternative, and public policy should be directed toward maximizing the amount of choice available to households and families. Unfortunately, *Suburban Nation* is promoting New Urbanism as a general urban-design principle that doesn't value diversity of housing and neighborhoods.

But Ms. Nikolsky's point that "quality of life" is withering in suburbia is a bit too sweeping. While some may bridle at the automobile dependence of many suburbanites, others may embrace the car as a way to give them more choices than would exist in a traditional urban center.

Joe Willingham takes my perspective too far. I didn't write that "sprawl-and-mall suburbs are simply what people want" or that alternatives are bound to be "bossy and overplanned." I merely pointed out in my review of *Picture Windows* that the first post–World War II suburbs (e.g., Levittown) responded to a desire for something different than the dense, urban living of traditional cities. Many Levittown residents did voice misgivings about aspects of their community (e.g., long commutes), but they stayed anyway. The move to the suburbs was the result of complex trade-offs when considering housing and neighborhood.

Mr. Willingham questions whether suburban development would have occurred without subsidies. This is an important point, and I acknowledged the federal role in providing financing to William Levitt. In fact, without it, it is unlikely Levittown would have been built (at least not in 1949). The federal loan guarantees offset uncertainty in the financial sector about the viability of Levitt's new product: affordable, single-family homes away from the urban center. Whether Levittown would have eventually been built anyway is speculative, but given general housing and land-use trends, Levittown or some similar development would likely have been built later.

Mr. Willingham then lauds planning as a way to address growth issues, arguing that Portland's growth boundary and others like it help preserve "the open space and natural beauty that most Americans treasure." As an empirical statement, this is simply incorrect. Only a little over 5 percent of the nation is developed, and about 4 percent is urbanized. Only about 2 percent of Oregon is developed, and the rate of sprawl may have actually increased in the period after the growth boundary was adopted. Growth boundaries provide the illusion of protecting significant open space, but constrain housing choices in the process. Even if development had occurred at pre–growth boundary rates in Oregon, Oregonians would have been awash in open space and so-called "view sheds."

Instead of more Portland-style planning, policymakers and citizens should support a dynamic land market that responds to the varied needs and desires of consumers.

The Rainbow Phenomenon

I have been aware of the Rainbow Gatherings since 1975, attended the one in Idaho in 1982, and have heard of them from various friends ever since ("Take Me to Your Leader," February). I also knew Barry Adams, who is featured in Sam MacDonald's article. That the authorities went after Adams is an excellent example of just what different universes the Rainbows and the Forest Service inhabit.

Barry is one of the people who has been articulating the Rainbows' worldview since before the first Gathering in 1972. If the Rainbows had leaders, Barry might well be one. But they really don't. Were Barry or any of the older attendees to cast himself as a leader, the rest of the Rainbows would just tell him he was being a horse's ass. This has often happened. As I have heard it, Barry Adams himself has gotten a good laugh out of it many times, sometimes at his own expense.

Be all that as it may, Forest Service officials in Montana know who Barry is. They live in a world in which having someone on whom to pin legal accountability is a daily necessity. It probably does make some sort of sense to them to cast Barry as a leader and thus cite him for not getting a permit. But that doesn't make it true.

What is going on here is an interaction of two different cultures. The Forest Service uses the definitions that are "real" within its cultural context. An analogy is the United States presenting treaty documents to Native American tribes, ceding lands to the U.S., and insisting that someone sign them, when in fact there was no one in the tribe who, by the tribe's definition of reality, could take such an action.

The Rainbows descended from the cultural phenomenon that began to flower in San Francisco's Haight-Ashbury and various other places in the mid-'60s, just in time for Ronald Reagan to become governor of California and to attack colorful, chaotic, youthful questioning with all the fury of ethnic cleansing. People involved in the cultural experiment who either would not or could not reintegrate into the dominant culture headed for the hills.

The Rainbow Gatherings have continued at least in part because there are a lot of people for whom mainstream America has no place. One of the things I was much impressed to watch at the one Gathering I attended was how Rainbows taught what I would call "social ejectees" both material and spiritual survival skills, including the values of honesty and honest work. Are some of the people in need of such a lesson a social nuisance? You bet. But Rainbow has been a largely constructive response for those who need a cultural alternative.

And it really is an alternative. Sam MacDonald found barter an inefficient way to get a souvenir. Well, yes, it is an inefficient way *to do business.* But that's not how the Rainbow Gathering works. Giving what one has and sees as needed is the economic base. Could a gift economy work long-term for millions or billions of people, as it actually does work for a few weeks for thousands at a Gathering? Would it be a better world if we all did things that way? I don't know. To ask if their way is better or worse than the one most of us are used to is no more meaningful than to ask if Basque or Iroquois traditional culture is better or worse.

Uncle River
Blue, AZ

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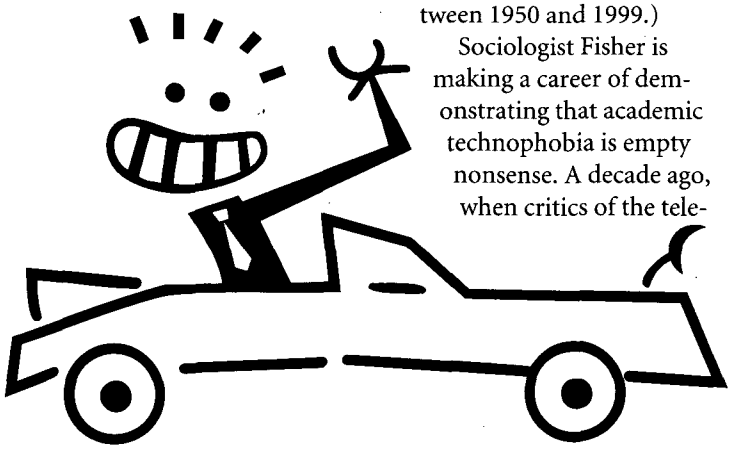
Citings

The Geography of Somewhere

By Charles Paul Freund

The crimes of the car are manifold, or so say academics and others who have blamed it for—among other sins—atmospheric pollution, environmental scarification, highway carnage, personal over-indebtedness, back-seat



immorality, and a sense of rootlessness often summed up by author James Kunstler's titular phrase, *The Geography of Nowhere.* (That is, you may no longer have much fealty to any place, but then there's hardly any places worth identifying with anyway.)

Yet lots of people continue to buy cars. Presumably, they're getting something in exchange for such horrors. One of the things they're getting, according to University of California at Berkeley sociologist Claude Fisher, is—well, a sense of "rootedness" in their communities. In his recent paper, "Ever-More Rooted Americans," published by the Russell Sage Foundation, Fisher argues that automotive mobility has allowed Americans to move to better jobs while remaining in the communities they like.

"When living a couple of miles from one's job was impractical," Fisher declares, "changing jobs required changing homes. When half an hour's drive easily covers a dozen miles, people can change jobs and stay in their homes." Fisher's study uses Census data to demonstrate the point. (For instance: Rates of residential mobility actually declined from the 19th to the 20th centuries, and continued to decline between 1950 and 1999.)

Sociologist Fisher is making a career of demonstrating that academic technophobia is empty nonsense. A decade ago, when critics of the telephone were arguing that phones were responsible for creating "a palpable emptiness across which voices seemed uniquely disembodied and remote," he released a study that demonstrated that the telephone had, from its introduction, "solidified and deepened social relationships, most notably for women, isolated farm wives, the middle aged and the elderly."

Elementary Biometrics

By Sara Rimensnyder

A technological revolution is brewing in an unlikely locale: elementary school cafeterias. In a few Pennsylvania schools, kids can now pay for lunches with their fingerprints. It's one of the first consumer applications of biometrics, an industry that offers an uneasy tradeoff, some argue, between efficiency and privacy. At schools such as Welsh Valley, in Lower Merion, Pennsylvania, children have been speeding through the lunch line. They press their finger to a scanner, which records 17 grid points that are then used to identify their personal school lunch accounts. (The actual fingerprints are not recorded.)

Officials love the system: It's fast, kids can't lose their lunch money, and it helps schools comply with a federal law protecting students on the free lunch program from their classmates' scrutiny. The system is optional, and only a few parents have declined to let their kids participate in it.

Such popularity suggests a future in which biometrics are a daily part of doing business—assuming that parents are as willing to offer up their own fingerprints as their children's. The technology has also turned up in welfare offices and at international customs desks, and as it gets cheaper, it could crop up all

Balance Sheet

By Jeff A. Taylor

ASSETS

▲ **Border Pass.** A NAFTA arbitration panel rules in favor of Mexico and against the U.S. in a trucking dispute. As a result, Texas, California, New Mexico, and Arizona must allow access to Mexican trucks, provided they pass state safety standards.

▲ **Bit Nation.** The Net goes unhip as a survey by the Pew Internet and American Life Project shows that most people now have Net access. Fully 56 percent of the adult population—or 104 million people—now go online for their porn, stock quotes, and bomb recipes.

▲ **Crop Flop.** Greenpeace backs away from opposition to field trials of "golden" rice, a vitamin A–enriched grain that could help stop blindness in the Third World.

▲ **Good Sports.** Members of a Florida gay and lesbian softball league oppose quotas for straight players. Heteros are now capped at two per team lest they dominate the league. "That's ridiculous. That's like saying all African-Americans are fantastic basketball players," one gay activist notes.

▲ **Click Through.** A federal appeals court gives Barnes & Noble's Internet wing the right to keep using Amazon.com's "single-click technology" pending a trial over Amazon's 1999 patent. Jeff Bezos' gang thinks they are the first merchants in history to remember a customer.

▲ **Game Trading.** File-trading network Aimster tries to avoid the liabilities of Napster by using the Digital Millennium Copyright Act against the content owners who wrote it. Users are officially barred—wink-wink—from opening the files they download. Any attempt by anyone to check up on that would violate DMCA bans on encryption hacking.

▼ **Phased and Confused.** The Institute for Research on the Economics of Taxation calculates that thanks to various phase-outs and credits in the tax code, marginal rates can jump to over 50 percent in some cases. Phase-outs for the Roth IRA, for example, can add up to 12 percentage points to a tax bracket.

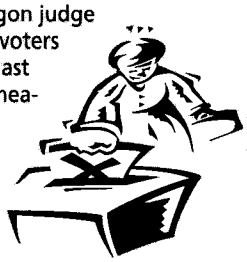
▼ **Irish Green.** European Union finance ministers scold Ireland for its pro-growth policies. Noise is made about the Emerald Isle's "high inflation rate," but that's just a function of the weak Euro and lot of trade with the U.S., particularly in high tech. The E.U. also disses Ireland's planned tax cuts.

▼ **Berry Funny.** The Food and Drug Administration decides it can regulate Web content if health claims are made about a foodstuff and product labels have Web addresses on them. Ocean Spray Cranberries is told to stop making claims about its juices, which, the FDA helpfully notes, are not drugs.

▼ **Buffalo Chips.** A Buffalo, New York–area service provider pleads guilty to the charge of knowingly providing Net access to child pornography, the first plea of its kind. BuffNET was charged with failing to excise the newsgroup "Pedo University" after users complained about its content. The ISP says it is cheaper to pay the $5,000 fine than fight.

▼ **Too Fair.** The Justice Department says Tenet Healthcare Corp. paid "above fair market" salaries to physicians so the docs would send patients to a Tenet hospital in Florida.

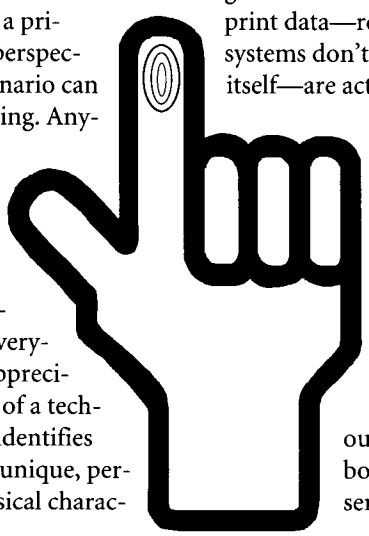
▼ **Ballot Bogey.** An Oregon judge rules that the limits state voters approved on state and local government last November were unconstitutional. Ballot measure 7 forced government to compensate property owners when regulations reduce the value of their property. The judge says the measure was too broad and should not have been presented as a single provision.



LIABILITIES

over the private sector, perhaps ultimately rendering the debit card obsolete.

But from a privacy-rights perspective, that scenario can seem unsettling. Anyone who has longed for the days before Social Security numbers followed you everywhere can appreciate the costs of a technology that identifies users with a unique, permanent physical characteristic such as a fingerprint.



Biometrics advocates argue that numerical fingerprint data—remember, these systems don't file the print itself—are actually a lot easier to keep private than traditional records. "You can't take a look at a biometric, which is a string of ones and zeros, and find out who somebody is," a representative from the International Biometrics Association told the Associated Press.

If you aren't ready to believe him, at least you can still opt out. In that, one hopes, the Pennsylvania program will set the standard.

Cleaning Out the Stacks

By Sara Rimensnyder

A new federal law orders libraries to install "filtering" software, to prevent kids from tapping the Internet's seamier educational offerings. The measure, part of the Children's Internet Protection Act signed last December, denies federal funding to libraries that don't set up blocking software. Meanwhile, several states—including Maine, Montana, and Arkansas—are considering their own versions of the federal mandate.

Now the American Library Association, the American Civil Liberties Union, and a growing list of additional plaintiffs are suing to stop the law. They charge that the filters block access to constitutionally protected material, a claim backed in a recent *Consumer Reports* study that tested six filtering programs on the market today. All of the programs blocked some child-friendly sites. (In a separate study, the program I-Gear blocked even such asexual political groups as he Electronic Frontier Foundation.)

Meanwhile, five out of six *failed* to deny access to 20 percent of the "bad" sites. The bottom line? A kid looking for boobs will still probably find them; a kid writing a report on breast cancer might have to look elsewhere.

Of course, that isn't likely▶

SOURCE

Not every movie is made for entertainment purposes—or intended to endure. **There are also "ephemeral" films,** archivist Rick Prelinger notes, **including "advertising, educational, industrial, documentary, amateur and government" pictures.** Prelinger has now set up a Web site **(archive.org/movies)** where scholars and browsers can download, watch, and reuse about 750 such movies for free, "with no restrictions other than that the films cannot be resold or licensed by anyone in their entirety or as stock footage."

QUOTES

"No one should have to leave their hometown, their families, and their roots to find a good job in America."
—former Illinois, Connecticut, and Arkansas resident Sen. Hillary Rodham Clinton (D-N.Y.) in a Senate floor speech, March 1, 2001

"What we have is government inaction and a response by automakers to pressure from a number of sources."
—the Sierra Club's Daniel Becker, commenting on Detroit's upcoming line of hybrid vehicles, in the February 20 *New York Times*

BRICKBATS

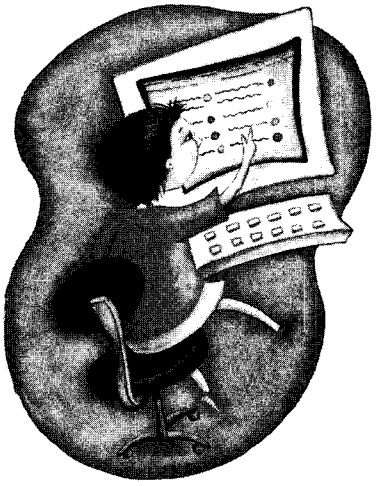
◆ Have a Coke and a smile—but not if you're visiting the French village of Sainte-Marie. The town of just 255 people has slapped a 300 percent tax on Coca-Cola. Town officials say they are doing this because the drink lacks "traceability," which means the ingredients of the soft drink's syrup are secret. "This is absolutely not about disguised protectionism against American products," says Mayor Bernard Herman.

◆ Virginia State Sen. Warren E. Barry wants to expel schoolchildren who won't recite the Pledge of Allegiance each morning. Other lawmakers, pointing out that only felonies are grounds for automatic expulsion, want to amend the bill to let school districts decide what punishment dissenters should face. Barry's response: Those legislators are "spineless pinkos."

◆ Thailand now requires TV stations to remove all scenes depicting smoking from programs and movies. The government admits that this violates freedom of expression, but argues that it will reduce smoking among young people.

◆ Egypt's education ministry has disciplined 36 teachers for attending a workshop on teaching democratic values. The educators were docked 19 days to two months of pay, and some were transferred from active teaching posts. The ministry explains that the course was "unconstitutional."

to dissuade those terrified for the moral rectitude of an entire generation. Some are even attempting to cast online smut as a public health issue. Earlier this year in Livermore, California, the conservative Public Justice Institute asked an appeals court to order the town library to install filtering software. The group claims a 12-year-old boy was traumatized by hardcore pornography that he discovered with a library computer. The images, argued PJI, led him to exhibit "anti-social behavior."

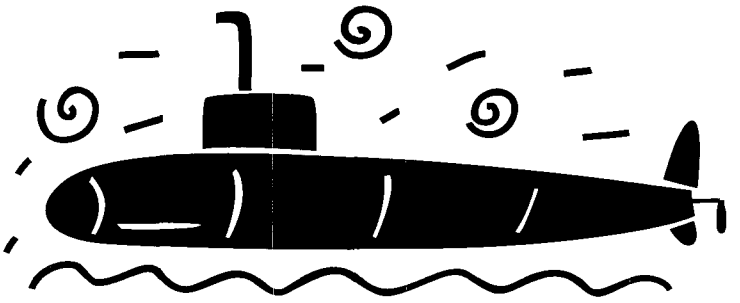


Sub Standard

By Jeff A. Taylor

Strange as it is that the U.S.S. Greeneville, with an entire ocean at its disposal, could pick the exactly wrong spot to surface, what's truly unreal is the fact that the U.S. maintains a huge sub fleet for no discernible reason—at least until political realities are factored in.

First, it is not at all unusual for bands of civilians to get the full, thundering joyride treatment in Uncle Sam's war machines, à la the Greeneville's would-be charity golfers. After all, these "show the flag" missions generate good P.R., and good



P.R. counts toward bigger budgets. In the Pacific fleet alone, more than 11,000 civilians took part in 238 trips aboard Navy ships.

Next, even though the threat of Soviet subs that could launch missiles just minutes from U.S. cities has disappeared, taking with it the Pentagon's rationale for spending billions building 60-odd attack subs, the military-industrial complex that churns out subs has not. Two even bigger, better attack subs are already under construction, with at least seven more planned.

To help justify all that spending, the Pentagon has devised a new job description: Submarines will be intelligence-gathering sneaks, lurking near world hotspots ready to lob a cruise missile or two into the fray. A more inefficient use of subs is hard to imagine.

But it isn't hard to imagine that the $7 billion the program will generate for places like Newport News, Virginia, is a very efficient way to win political support in Congress. This, it seems, is the sub fleet's real mission: a jobs program.

☛ "There are probably more prostitutes in Nevada than in any other state of the union, and nonstreet-walking hookers are there considered solid citizens who happen to be working in the world's oldest profession. But Nevada is an enigma, an individualist haven surrounded by more 'right-thinking' and coercive-minded people."

—Timothy Condon, "What to Do About Prostitution"

☛ "It is not clear that there exists a *feasible* path inside the New York City legal system by which it can restore a semblance of financial stability. The obvious, dramatic remedies require that a considerable number of individuals take a financial bath."

—David Levy, "Can New York City Be Saved?"

☛ "The worst news came from Albania, where the government ordered all Albanian citizens who have 'inappropriate names' to change them to conform to the nation's 'political, ideological and moral standards.'"

—Manuel S. Klausner, "Publisher's Notes"

Costly Links

By Brian Doherty

Last October, the Internal Revenue Service announced it would consider new regulations for nonprofit organizations' use of the World Wide Web. The agency stressed that it "may conclude no further action is necessary," but it is clearly concerned that the Web sites of tax-exempt charities may violate anti-lobbying regulations simply by telling readers where unaffiliated lobbyists may be found.

The IRS' announcement specifically raises this question: "Does providing a hyperlink to the website of another organization that engages in lobbying activity constitute lobbying by a charitable organization?" It adds, "Does it make a difference if lobbying activity is on the specific webpage to which the charitable organization provides the hyperlink rather than elsewhere on the other organization's website?"

The IRS is also concerned that sending an e-mail or listserv communication might "constitute an appearance in the mass media" for tax purposes "if it is sent to more than 100,000 people and fewer than half of those people are members of the organization." (Under the tax code, communications to members of your own organization aren't considered lobbying.)

Worrying about the tax status of every Web page your group might link to would have a chilling effect, argues David Kopel of the Independence Institute, a free-market think tank based in Colorado. If the IRS decides "that links are tantamount to endorsement and support," he notes, "then our Web site would have to remove its links to numerous organizations which participate in political campaigns or which lobby," including Handgun Control Inc., the National Rifle Association, and the American Civil Liberties Union.

"For none of these groups are we aiming to promote their political/lobbying work," Kopel explains. "We link to those Web sites so that surfers from the Independence Institute Web site can obtain research materials."

The public comment period for the proposed regulations ended February 13. The IRS would not return phone calls seeking comment on the policy or on any comments yet received.

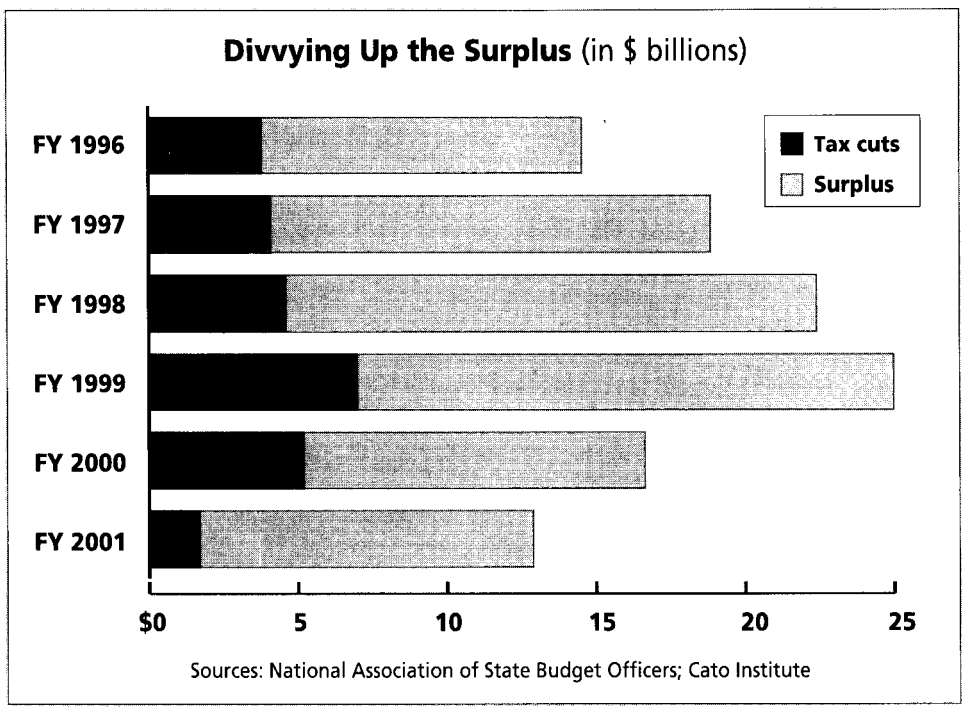
DATA

Flunking Finance

By Michael W. Lynch

Many American governors might want to take President Bush up on his offer of a $1,500 tutoring voucher. They're struggling in Public Finance 101, according to the Cato Institute's fifth biennial report card on the fiscal policy of America's governors. Cato gives high grades to govs who cut taxes and spending, and bad grades to those who do the opposite. Out of 47 top state executives ranked by Cato, only two governors got As (Massachusetts's Paul Celluci and Nevada's Kenny Guinn). Sixteen snagged Bs, 16 pulled Cs, and 10 barely passed with Ds. Three govs flunked outright (California's Gray Davis, Iowa's Tom Vilsack, and Oregon's John Kitzhaber).

"For the past three years, state spending has grown more than twice as fast as federal expenditures," notes the report, which credits state coffers full with the bounty of the booming economy for the profligacy. Says report co-author Stephen Slivinski, "Nearly three out of every four surplus dollars in state coffers since 1996 have gone to new spending, not tax reduction."



The British Inquisition

By Jeff A. Taylor

Britain's security services want the right to access records of every telephone call, e-mail, and Net connection made in the United Kingdom. All such communications would be logged, ▶

BRICKBATS

◆ Police in Gloucester, England, have begun going undercover in local restaurants, eavesdropping on diners to make sure they don't say anything racist about their fellow customers or the staff. "Racist behavior is unacceptable," explains Chief Inspector Dean Walker. "The constabulary is now taking a proactive stance in relation to racist offenses rather than waiting for people to report them to us."

◆ Barbara Graham was a speaker at last year's Million Mom March and a member of a group that co-sponsored that rally for gun control. Now a District of Columbia court has convicted her of shooting the man she thought killed her son. Her victim, who police say was not the murderer, is now paralyzed.

◆ When Ed Elliott retired as president of Central Missouri State University, the school guaranteed him $621,000 over three years, plus other perks. When the campus newspaper, *The Muleskinner*, tried to ask the school's Board of Governors about the retirement package, the school's attorney told them not to bother the board. The journalists then sent their questions by certified mail. That led the school's provost to write a memo to the dean who oversees the Department of Communication: "It seems to me that we need to teach our students to respect an individual's time, job responsibilities and position within an organization."

—Charles Oliver

and the information would be stored for years in vast state-run "data warehouses."

Big deal, you might say: That's about par for a country whose commitment to civil liberties peaked in the 13th century with the Magna Carta. Yet what the Brits now mull is nothing less than a global data trap. Any information passing through the U.K. in any form would be fair game. The international intent is clear enough from the justifications cited for the dragnet: such familiar bugaboos as child porn rings, terrorism, and international drug trafficking.

Roger Gaspar, deputy director general of the National Criminal Intelligence Service, framed the extraordinary measures as ordinary extensions of current crime fighting techniques. The log, he told BBC radio, would be "the eye-witness account for high-tech crime. There will be no one who sees what goes on and this is the comparable data."

But that would only be the case if the Home Secretary had long ago established a legion of eavesdroppers in every dwelling in Avalon. Just because bits and bytes are infinitely easier to collect and store than whispers and wailings does not mean the state can make a police powers claim to get them. New legislation might thus be required to fully deliver on the data-hoarding proposal. And the proposal has already sparked strong opposition from civil libertarians.

Protest Protection

By Sara Rimensnyder

In late November, a Massachusetts court struck down a law designed to quiet

the battleground surrounding abortion clinics, where patients and staff are often besieged by activists trying to prevent what they regard as murder. The law had established protest-free zones around clinics. According to District Judge Edward Harrington, that was an unconstitutional regulation of speech. It's unclear, though, if his view will carry the day.

The law's supporters hope it won't. According to Melissa Kogut, director of the Massachusetts chapter of the National Abortion Rights Action League, "It's very narrowly tailored....We're talking about a six-foot bubble zone within an 18-foot diameter of doors, entrances, and driveways." She adds, "All we're trying to do is decrease tension by keeping people away physically. Women should be able to receive health care free from intimidation."

Such arguments didn't impress Judge Harrington. "The statute is a regulation of speech and the content of the only speech regulated is the subject of abortion," he wrote. The law may also be gratuitous: Congress has already enacted the Freedom of Access to Clinic Entrances Act to deter activists from physically interfering as patients enter clinics. And physical intimidation and harassment, in any context, are already criminal offenses. Nonetheless, the state's attorney general is appealing the ruling, and the federal appeals court has stayed Harrington's injunction in the meantime, leaving the law in force.

With the FDA's recent decision to permit trade in RU-486, the abortion pill, the issue may soon be less pressing. The pill won't shut down abortion clinics, but it may disperse their opponents, as abortions move into ordinary doctor's offices and women's own homes.

Stroke of Genius

By Jeff A. Taylor

The Philadelphia trial of an alleged Mafia boss shows that when it comes to threats to privacy, the government will always have an ace in the hole. Or a sniffer on the keyboard.

Sometime during court-approved break-ins in May or June, the FBI planted a keystroke-logging tap in Nicodemo S. Scarfo Jr.'s com-

puter. Scarfo had thwarted other court-approved methods of surveillance because he used the popular encryption program Pretty Good Privacy. That was too powerful for the FBI to crack, so the agency instead used a keystroke tap, which recorded Scarfo's passwords to his data. Just weeks after the tap was in place, Scarfo was arrested and charged with masterminding an illegal betting and loan-sharking operation.

The FBI has yet to reveal whether the tap was software or hardware. A hardware tap would mean the FBI has to get permission from a judge for the kind of black-bag op used on Scarfo's computer. In theory, a software bug has the same restrictions. But it would certainly be easier to abuse and install remotely without judicial oversight. It could even be hijacked by bad guys outside the bureau and put to who knows what ends.

In any case, the mere existence of government keyboard taps illustrates that

direct marketers—even the most vile spammer—are amateur-hour violators of privacy. The pros carry a badge.

SOUNDBITE

Economical Humanism

By Nick Gillespie

Deirdre McCloskey

Deirdre McCloskey is best known as the author of a series of books—including *Knowledge and Persuasion in Economics*, *If You're So Smart: The Narrative of Economic Expertise*, and *The Rhetoric of Economics (Rhetoric of the Human Sciences)*—that analyze the language economists use to explain their dismal science. Her approach allowed her to bridge a gap between economics and literary studies, and she found herself in the rare position of being a free-market enthusiast who was admired by many left-leaning English professors. Her new book, a collection of previously published essays (many from her long stint as a columnist for the *Eastern Economic Journal*), is *How to Be Human, Though an Economist* (University of Michigan). This latest volume is, as one representative reviewer put it, "by turns wise, generous, and deep—and always beautifully written."

McCloskey is a long-time REASON contributing editor; an excerpt from *Crossing*, her memoir of her gender change, appeared in the December 1999 issue and is available online at reason.com/9912/fe.dm.from.html. She taught for many years at the University of Chicago and the University of Iowa, and is currently Distinguished Professor of the Liberal Arts and Sciences at the University of Illinois at Chicago. REASON Editor-in-Chief Nick Gillespie recently spoke with her by phone.

Q: Why is it so hard for economists to be human?
A: Since the days of Jeremy Bentham and David Ricardo, the central argument of economics has been that prudence—the idea that everything is about maximizing utility—is the preeminent virtue. It's certainly a virtue—it's what we try to teach our children. But the trouble is, as Adam Smith pointed out long ago, that prudence alone is not a complete account of human beings. So if we are going to be complete, we need to recognize other virtues, too. From left to right, so to speak, these include faith, love, justice, temperance, courage, and hope.
Q: You've written that too few economists appreciate literature, and too few lit professors appreciate economics. Why is that a problem?
A: The first is a problem because economists feel very comfortable thinking of humans as maximizing machines of a particularly simple sort, and that narrows their understanding. They ignore the social side of the economy, of how things like love and language affect people. The second is a problem because the literary people, often coming out of a Marxist or socialist background, are terribly interested in the economy. But they don't know anything about it. They forget prudence.
Q: *How to Be Human* speaks not of immutable truths, but of "relatively absolute absolutes." What's an example?
A: We should believe in modern economic growth and the power of capitalism to make it happen. I recently spoke to my colleagues at UIC—to faculty from the college of liberal arts, the business school, and the medical college. My main point was to emphasize that, between 1820 and 1994, real income per head in the United States increased by a factor of 17. This really set the anticapitalists back on their heels.

Hemp Holdup

By Brian Doherty

Because of the government's reefer madness, the American people may soon be denied the pleasures of certain citrusy sodas, soothing lip balms, and tasty nut butters. As many eager activists at campus literature tables will remind you, the cannabis sativa plant is useful for a lot more than getting high. You can make clothing and rope from its body, and tasty, high-protein food from its seeds and oil.

While growing the plant—known as "hemp" to distinguish it from recreational marijuana—is illegal in the United States, it is legal to import and sell hemp byproducts. (The curious can find a fine sampling of hemp food, beauty, and other products at www.hemp-products.org.) You can't get mari- ▶

juana's best-known effect from ingesting any of these, though they often contain tiny trace levels of THC, the main psychoactive ingredient in pot.

Late last year, the Drug Enforcement Administration announced its intention to publish new rules extending Schedule I status—i.e., complete legal prohibition—to virtually all products that contain any amount of THC, "even if such substance is made from 'hemp.'" While exempting products "such as paper, rope, and clothing," the rule would ban all "'hemp' products that result in THC entering the human body." So say goodbye to body care products, soft drinks, and hemp-nut butters.

A DEA spokesman stresses that the new rule has not yet been published, and that "with the new administration, everything is up in the air."

Pacifica v. First Amendment

By Jesse Walker

By now it's common for critics of particular corporations to create Web sites that lay out their case. It's also common, unfortunately, for the targeted business to respond with a legal threat, alleging that such sites violate the company's trademark.

Now the habit seems to have spread into the nonprofit sector. On February 15, lawyers representing the Pacifica radio network, which used to bill itself as "free speech radio," wrote to four dissident sites—freewpwf.org (named for the network's D.C. station), wbai.net (named for the New York station), wbaifree.org, and savepacifica.net—telling them to get off the Web or face legal action.

At issue: structural changes in the way Pacifica operates and the editorial direction of the network. At the core of the network are five radio stations owned by the Pacifica Foundation; additionally, there are some 60 "affiliate" stations around the country that run Pacifica programming.

Sounding more like hired mouthpieces for a *Fortune* 500 firm than attorneys for a leftist radio network, Pacifica's lawyers told the wbai.net folks that "Appropriate action will be taken against you to enjoin your use of the domain name and retrieve the domain name from you. We will also consider seeking temporary, preliminary and permanent injunctive relief, as well as damages for the harm suffered and which continues to be suffered by our client, together with attorney fees because of the wrongful deprivation caused by your illegal use of our client's registered trademark and trade name."

At press time, wbaifree.org has temporarily shut down, while the others remain active; all four plan to fight the network if it brings them to court.

The Pacifica Foundation was established by anarchists and pacifists in 1946, and its first station went on the air in 1949. In the years since, it gradually moved toward a more conventionally leftist posture, but it still had room for diverse ideological fare. (Even *National Review* had a Pacifica show for a while, in the early '60s.)

Over the past 10 years, though, the network's management has been trying to gentrify its stations, aiming for the niche formerly filled by the increasingly centrist National Public Radio.

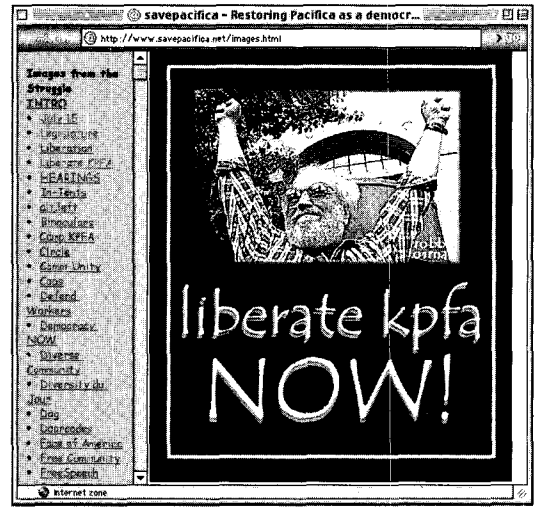
To that end, it has canceled eccentric programs, fired dissident staffers, and overridden its member stations' traditional autonomy. It also made several terrible P.R. blunders—perhaps most infamously when, wanting to remove unpaid staff from its stations' unions, it hired the American Consulting Group, a "labor and employee relations consulting firm" that specializes in, among other things, keeping companies union-free. (Note: When you operate a leftist radio network, your listener-supporters will not be happy to hear that you've been cuddling with professional union-busters.) It also dropped the "free speech radio" slogan.

The turning point came two years ago, when Pacifica banned members of its stations' local advisory boards from serving on the national board, in effect removing the lower rungs from any role in guiding network policy. As a result, Pacifica's governing directorate became a completely self-selecting body, shielded from the former checks on its power put in place by earlier, more idealistic generations of broadcasters.

The new rule wouldn't have passed without a last-minute assist from the Corporation for Public Broadcasting, which announced that it might cut off all subsidies to Pacifica almost immediately if it didn't change its structure. From the '40s through the '70s, of course, Pacifica got by without government money. Given the feds' consistent support for the network's new direction, many of the dissidents argue that they'd be better off without it again.

The threatened sites argue that, in the course of pushing through this structural change, the national board violated the foundation's bylaws. This—along with other complaints, also described online—has prompted three lawsuits against the foundation.

The dissidents make a strong case. But judging from its latest legal threats, Pacifica would prefer that outsiders not get a chance to hear it.



Acts of Faith

In which our man in Washington hears Charlton Heston talk to himself and prays for relief from tax-funded religious charity.

By Michael W. Lynch

Subj: The Ebullient Right Wing
Date: 2/17/01
From: mwlynch@reason.com

"Looks like you're happily married," said National Right to Work vice president of propaganda Stephan Gleason, as he patted my slowly growing belly. Gleason had just exited the stage at the 28th annual Conservative Political Action Committee (CPAC) convention, a three-day staging ground for the grassroots of the vast right-wing conspiracy. He told the packed ballroom at the Crystal Gateway Marriot in Arlington, Virginia, that today's AFL-CIO is not their father's union and warned that the group recently reversed its opposition to communism. Wagged Gleason, "No word yet whether CIO stands for Communism Is OK."

Spirits were definitely high among the 3,500 conservative activists attending this year's conference. This is the sort of crowd that jumps to its feet at every mention of Jesse Helms' name. "You have to keep in mind, for eight years no one in this room has had a call returned from anyone in the administration," a CPAC spokesman informed me. He also told me that he's often heard the word *ebullient* used to describe the mood. I knew I was being spun, since many in this crowd, including myself, can't even pronounce that word, let alone spell it or drop it into casual conversation. So they may not be ebullient per se, but they've got plenty to be excited about. They've got control (or something very close to it) of Congress, the White House, and the Supreme Court for the first time since Strom Thurmond's hair was naturally fluorescent orange.

Young America's Foundation was passing out Ronald Reagan calendars, gratis. Conservative babe Ann Coulter, who two years ago reportedly erupted into tears after she was mistreated onstage here, was cheerily hawking her book *High Crimes and Misdemeanors* for a mere $5, with a signature and a bit of light conversation thrown in for free. "I've already read it actually," 31-year-old Kevin Mooney of Titusville, New Jersey, told me while waiting to get Coulter's autograph. "I'm just buying it to get her signature."

Everyone present was anticipating three days of conservative peace, love, and understanding. Where else can one take in a lecture by Alan Keyes and informational booths set up by the likes of the Christian Coalition, the Citizens Committee for the Right to Keep and Bear Arms, and the Jesse Helms Center Foundation (all of whom were cosponsors of the event)? At one point, I found myself staring at the mug of B-1 Bob Dornan, the former war pilot and Orange County, California, congressman, on a huge poster advertising his speech. Characteristically, Dornan's talk was titled "No Compromise" and the Christian Action Network was sponsoring a reception for the great man himself after his remarks. Lee Greenwood's "God Bless the USA" —a sonic weapon that reportedly reduced Iraq's fighting forces to tears during the Gulf War—blared while a video loop of an Alan Keyes' speech played on a TV at the Project Life booth.

The program offered something for everyone. Kevin Mooney was psyched by David Horowitz's act as well as Coulter's penmanship. "He's someone who really knows how to take on the left," he explained. Dick Cheney delivered his first major address as vice president, telling the audience he and Bush intend to "change the tone in the city of Washington." Charlton Heston made an inadvertent case for concealed-carry permits by conversing with himself in an after-dinner speech. Chuck pretended to chat with various characters he had played in the movies. "Why there's Long John Silver," he said before slipping into a joke with a pirate theme. "Why there's Andrew Jackson...." Sadly, Heston failed to run into Taylor, the gun-toting, shit-out-of-luck astronaut he portrayed in *Planet of the Apes.*

Organizers tapped Rep. Tom "The Hammer" DeLay (R-Texas) to address the topic of bipartisanship. Even DeLay, who caused a stir when he promised to push forward with a robust Republican program even in the wake of the Florida fiasco, thought he was an odd choice for the task. "I'm a little surprised I got the call," said DeLay, a former bug exterminator whose business ethics came under scrutiny during impeachment. "In these days of bipartisanship, it's been hard for me to find work."

He was a big hit with at least one of the approximately 1,500 college students in attendance (the single most notable demographic block at CPAC). "I really liked Tom DeLay," said Nicole Silva, a Mount Holyoke freshman who was waiting in line to have Coulter sign two books, one for her and one for her father. Silva, who registered Republican

HENRY PAYNE

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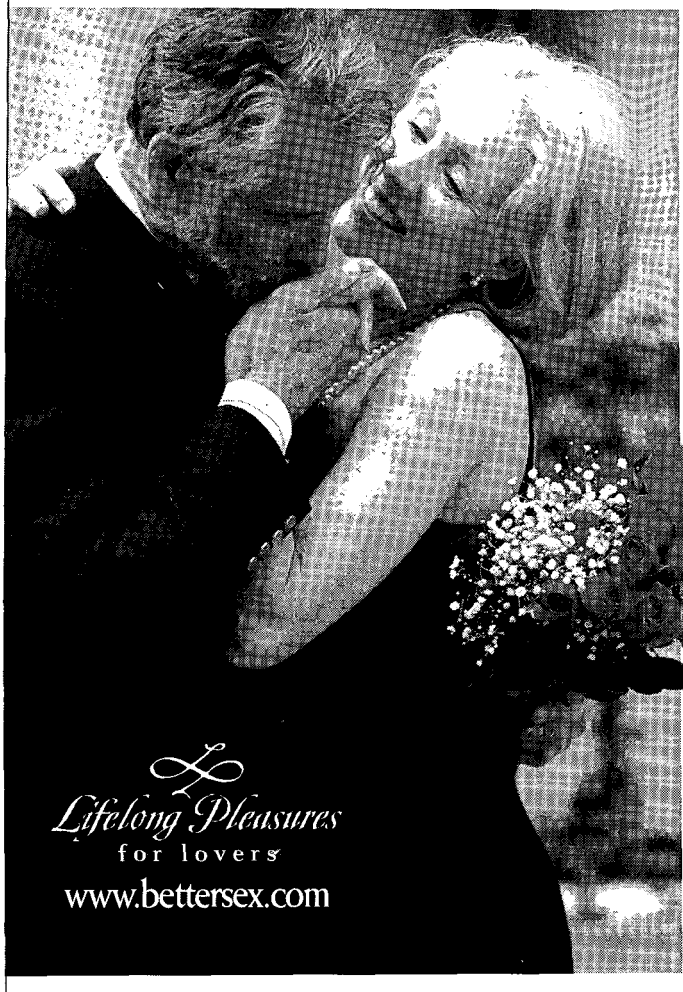

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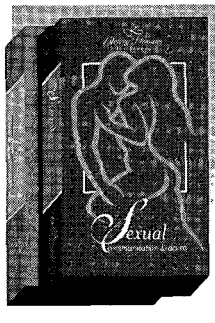

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shortly after she turned 18, found the Hammer convincing: "DeLay said the Republican Party supports honesty and they won't lie to get what they want."

I suspect Silva's experience with the larger world is still limited, at least when it comes to politicians and boys. Otherwise she'd know everyone lies to get what they want. But she's got her whole life ahead of her to learn that lesson.

Subj: God's Floating Crap Game
Date: 2/27/01
From: mwlynch@reason.com

Get ready to hear talk of "FBOs" coming out of Washington. When I first heard the term this afternoon at the National Press Club, I assumed it was an ancient acronym. It's always a special moment when one first gets clued in on a bit of D.C. policyspeak. FBO doesn't stand for Fondled Bill's Organ; it stands for Faith Based Organization, the latest cure-all-our-social-ills fad that promises to be funded with your tax money.

I was on hand for the release of "In Good Faith: A Dialogue on Government Funding of Faith Based Social Services," a 16-page report that stems from a three-year bull session on the role of religion in public life. The topic originally arose with the "charitable choice" provision of the 1996 welfare reform law. That provision made it easier for religious organizations to get a piece of the government pie, and hence your paycheck. Yet it remained obscure even to those who think about religion, politics, and public life for a living.

How obscure? Consider this tale told by one of the presenters, Murray Friedman. He's head of the Feinstein Center for American Jewish History at Temple University. A few years back, he asked the Pew Charitable Trusts for some dough to do a conference on religion and public life. A fellow there suggested he use the conference to explore charitable choice. "I said, 'What's charitable choice?'" recalled Friedman, who says his ignorance of the issue reflected society's. (I wish Pew would hand me some cash to explore all the stuff I don't know, like the proper use of knives and forks in D.C.'s finest restaurants.)

Well, Friedman now knows all about charitable choice, having spent the last three years discussing it with his ideological friends and foes. And it's three years well spent, considering that President Bush is an FBO enthusiast. Friedman acknowledged the one celeb in the Press Club audience: "John is the 'Godfather' of the movement," said Friedman, pointing out John J. DiIulio Jr., who was sitting in the front row. DiIulio is the pugnacious academic who Bush appointed FBO czar and whose personal history reflects the role generous acts of charity can play in society.

According to a recent profile in the *Washington Post*'s Style section, DiIulio's big break came when a tony Philadelphia prep school needed football players and decided to go fishing in ethnic waters. DiIulio, whose father was a cop in the City of Brotherly Love, was one of the few people from his 'hood who could pass the school's entrance exam, and he got in with a fat scholarship.

Post columnist E.J. Dionne Jr. is, among other things, a professional moderator of BBI panels (another D.C. term: "Boring But Important"). He was performing that role today. "Murray gave us our title for the day," said Dionne, referring to a throwaway line by Friedman: "God's floating crap game." Dionne then sucked up to DiIulio with a passion not seen since Bill Clinton left town (well, the White House). Dionne mentioned the *Post* profile and praised the "In Good Faith" report. "I think of this document as clearing the underbrush in this debate," said Dionne.

DiIulio, too, lavished praise on the report, calling it the most important document since the Hatfields and McCoys signed a truce. "I marvel at the fact that it only took three years," he said, having taken to the podium for a cameo after the formal presentation.

I have to agree with both guys. Any Washington debate that can be compressed into only 16 pages is something to be thankful for. And the three years of talk did produce some important points of agreement. "The government should not require a St. Vincent de Paul Center to be renamed Mr. Vincent de Paul," the report boldly declares. (The report still skirts the difficult issues, such as whether the Catholic Church can require Georgetown University to hang crucifixes on classroom walls.)

"We did a lot of suffering when writing this document," said Heidi Rolland Unruh, an FBO enthusiast. Still, even after three years, much disagreement remains over such things as whether there should be a charitable choice law in the first place.

This area is certainly fraught with perils inside conundrums, all expressed in parables. Unruh, who's a policy analyst at Evangelicals for Social Action, said that faith-based groups have to have the right to do things their way. They have to be able, she offered, to fire witches, even if they are doing a good job, and even if they are only answering the phones. "I think the receptionist is one of the most important jobs in an organization," said Unruh.

"We were not engaged in a mutual conversion enterprise," said the American Jewish Congress' Richard T. Foltin. Foltin pointed out that there is an inherent conflict between the government's need to ensure that witches are employed and leaving an anti-witch church free to serve the community with money from the federal treasury, which, to be fair, is probably partly theirs anyway. Foltin also worries about religious symbols in social service settings and erosion of the separation of church and state.

In such moments, I couldn't help thinking: To hell with this FBO junk. Why not just double the tax cut to $3.2 trillion, cut government, and let people use their own money to help whomever they want?

Such unholy sentiments only grew as two religious social service providers said they were all for getting government money, especially if the pie is growing. Unlike Foltin, I started to fret less about the separation of church and state and more about the separation of me from my paycheck. The FBO initiative smells like just one more political scheme designed to get yet one more group—pastors and congregations of small and mid-sized churches—hooked on the government dole. Some things you can just take on faith.

Cathy Young

False Diagnosis

When it comes to gender, doctors don't play favorites.

Among the feminist causes of the 1990s, few had a broader or more powerful appeal than women's health. Who could fail to be outraged by the charge that a male-dominated, gender-biased medical establishment had endangered women by giving the lion's share of attention to men? But maybe the outrage should have been directed at the accusers, not the accused. Today, a little over a decade after this crusade moved into the spotlight, the feminist indictment of medical sexism has been largely discredited—but not before infecting the discussion of health care with rancorous gender politics and provoking equally misguided claims of victimhood from some men.

Not long ago, groups such as the National Women's Health Network (which declared in a 1994 fundraising letter that "Medical research has mainly been done on men, for the benefit of men only") found an eager audience among journalists and politicians. Former Rep. Pat Schroeder (D-Colo.) noted that mostly male researchers "are more worried about prostate cancer than breast cancer"; Health and Human Services Secretary Donna Shalala lamented that health care had been addressed from "the white male point of view." Bill Clinton vowed that women would never again be "second-class citizens" in medical research and care.

The evidence that women had been "shortchanged" seemed powerful. Major studies of coronary heart disease had been limited to men. The most notorious example was a study published in 1989 concluding that aspirin helps prevent heart attacks; it had used a sample of 22,000 male physicians and not one woman. More outrage was fueled by reports that the National Institutes of Health spent just 14 percent of its budget on women's health and failed to ensure women's adequate inclusion in clinical trials.

Under pressure from the Congressional Caucus for Women's Issues, an Office for Research on Women's Health was established at the NIH in 1990. Three years later, to the dismay of many medical professionals who warned against letting politicians dictate research priorities, Congress passed legislation requiring all federally funded clinical studies to include enough women and minorities to analyze the findings by sex and race. One could argue that heavy reliance on government funds inevitably invites such intervention, but that doesn't excuse the pols who wield the blunt instruments, especially when their intervention is based on myth.

In fact, as Yale Medical School lecturer Sally Satel convincingly demonstrates in her recent book, *PC, M.D.: How Political Correctness Is Corrupting Medicine,* the notion that until recently women were left out of medical research is sheer nonsense. (See "Shrink Control" on page 55 for a review of Satel's book.) As far back as 1979, more than 80 percent of NIH-funded trials included both sexes, while three-quarters of the rest were all-female. If female-specific health problems received only 14 percent of the NIH's research budget, then male-specific ones got only half as much.

Satel's conclusions are supported by an article in the October 2000 issue of the medical journal *Controlled Clinical Trials,* based on an extensive analysis of medical literature since 1966. The authors, Johns Hopkins public health professors Curtis Meinert and Adele Gilpin and their colleagues, found that 17 percent of clinical trials reported in American medical journals before 1975 were male-only and 9 percent were female-only (a disparity possibly due to the use of Veterans' Administration hospitals as convenient study sites). In the next two decades, single-sex trials were more or less evenly split between men and women. In cancer research, all-female trials outnumbered all-male ones more than two to one from 1966 to 1985.

And those all-male heart disease trials? Actually, even some women's health advocates, such as Vivian Pinn, director of the Office of Research on Women's Health at the NIH, have conceded that there were compelling reasons to limit them to men. When studying heart attack prevention, it

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makes sense to start with a group in which one can expect a relatively high rate of heart attacks. Men are three times more likely than women to die of a heart attack before age 65. Plenty of other cardiovascular research did include women—especially major observational studies, from the Framingham Heart Study, launched in 1948, to the Nurses' Health Study, which began in 1976. And other conditions, from hypertension to diabetes, were extensively studied in both sexes long before women's health became a political issue.

The mother of all women's health myths is that breast cancer was shortchanged because of gender bias. From 1966 to 1986, there were over 400 clinical trials on breast cancer and 121 on prostate cancer; and in 1990, the National Cancer Institute spent $81 million on breast cancer research and $13.2 million on prostate cancer, which causes nearly as many deaths (albeit at a later age).

Did the women's health advocates have legitimate concerns? Sure. The perception of heart disease as a "man's problem" did exist; there were credible horror stories of the patronizing treatment women often encountered at doctors' offices. But all this could have been addressed without misleading and polarizing rhetoric about the evils of "male medicine."

In recent years, women's health—viewed as a sure way to the hearts of soccer moms—has become a pet cause for politicians, often with dubious results. Bills requiring insurance companies to cover longer hospital stays for certain procedures almost invariably focus on female-only conditions such as childbirth or breast cancer surgery. Politicians have even gotten into the business of dispensing medical advice. In 1997, the Senate browbeat the NIH into reversing a statement that routine annual mammograms should not be recommended for all women in their 40s. (An NIH panel had concluded that for women under 50, the risks of a false positive diagnosis and unnecessary surgery most likely outweigh the benefits of mammography.)

Many researchers are particularly worried about growing demands that all findings of clinical studies be analyzed by gender. Satel argues that significant sex differences in reactions to medical treatments are rare, and that a blanket effort to ferret out minor differences will cause research costs to skyrocket and possibly delay the approval of lifesaving drugs.

Meanwhile, the drive to recruit more women into clinical trials has succeeded so well that men's enrollment in NIH-funded studies has dropped from about 45 percent of the total in 1994 to 32 percent in 1998. In cancer research—where, far from playing catch-up, women have been over-represented for a long time—men now account for just 29 percent of the subjects.

Enter the men's health movement, which has been fairly successful in pushing for more research on prostate cancer—and may be on the verge of a big symbolic victory. In February, Rep. Randy Cunningham (R-Calif.) introduced a bill that would establish an Office of Men's Health within the Department of Health and Human Services. The Men's Health

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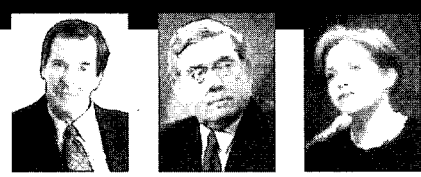

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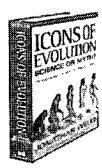

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Act is rapidly gathering bipartisan support and seems likely to pass.

Men's health advocacy groups such as the Men's Health Network and Men's Health America have raised some important issues; most laudably, they have helped debunk the notion of women as victims of medical gender bias. Unfortunately, they often seem to use one brand of victim politics to drive out another—and to take us further down the road of turning health care into a gender issue.

Interestingly, some of the strongest criticisms of proposed government action for men's health come not from feminists but from people whom men's health activists have long viewed as allies: Satel, Meinert, and Andrew Kadar, a physician at Cedar Sinai Hospital in Los Angeles who took on the myth of male-biased medicine in *The Atlantic* in 1994. "I sympathize with the impetus of the men's health movement," says Satel, who agrees that health care priorities have been skewed by pressure from the women's lobby and that advocacy for men may be needed to restore the balance. "But I don't think we need a new federal bureaucracy to deal with these issues."

The critics are also put off by the alarmist language of the Men's Health Act, which opens with the declaration that "A silent health crisis is affecting the health and well-being of America's men." By most measures, the health and well-being of all Americans are better than ever. The bill also notes that the life expectancy gap between men and women has grown from one year in 1920 to almost six years in 1998. Yet, apart from the fact that both sexes have gained more than 20 extra years of life over the same period, this assertion overdramatizes the reality. Women already outlived men by an average of three to four years by 1910 (the 1920 figure was a fluke). And now the longevity gap is not widening but shrinking—from 7.8 years in 1979 to 5.6 years today—due partly to inroads against heart disease in middle age.

Moreover, the men's health movement dogma that men's shorter life expectancy gap is due to neglect of men's health rather than biology is as unreasonable as the feminist dogma that all sex differences are a social construct. It's true that this gender gap didn't show up until the 20th century—mainly, Kadar suggests, because infectious diseases used to kill off a lot of people before they reached middle age, when men's greater susceptibility to heart disease and cancer manifests itself. He believes that, while women's greater average longevity may be partly due to the fact that women are more active in seeking medical help, to suggest that changes in health care can eliminate this differential is simply misleading.

Generally, men's heath advocates have steered clear of the gender antagonism that has often marked women's health activism; they rarely miss an occasion to stress that improvements in men's health will benefit women. Still, they can lapse into bitter rhetoric that eerily echoes the feminists. A passage from an article by a men's rights activist recently posted on the Men's Health America message board asserts that "we simply don't care much about men" and deplores "the devaluation of male lives."

Most critics of the women's health movement find that the male version of the victim mentality isn't much better. "I think the partisan approach to medicine leads us to places where we shouldn't be going," says Meinert. "This approach doesn't benefit us as human beings."

Apart from these philosophical concerns, there are reasons to worry that, like its female counterpart, men's health advocacy may end up putting "sensitivity" toward men above sound medical judgment. In a parallel to the mammography debate, men's groups champion universal, regular prostate cancer screening for men over 50, even though the controversy over its benefits and risks is far from resolved.

"When it comes to America's healthcare crisis, it's about time we started treating men as well as we treat women," wrote Armin Brott, a Men's Health Network board member, in a recent newspaper oped. Does this mean turning men into another special interest group? Maybe it's time we started treating both women and men as human beings who deserve concern and respect, not paternalism and pandering.

Contributing Editor Cathy Young (CathyYoung2@cs.com) is the author of Ceasefire!: Why Men and Women Must Join Forces to Achieve True Equality *(The Free Press).*

It Happens Every Spring

Baseball's invisible hand is stuck in red tape.

By Dan Lewis

Baseball season is upon us. That means the moaning about the sport's economic disparity has likewise gotten underway. Don't you know that big-market teams such as the Yankees (winners of the last three World Series) have a far greater revenue base than teams such as the Reds? Don't you know that small-market teams can't afford elite players, so the Alex Rodriguezes of the world take high-end contracts elsewhere? Don't you know it's a classic case of market failure that can only be cured by stronger regulation and revenue sharing?

Not exactly. Revenue sharing would indeed help equalize disparities, but baseball's woes are caused by too much regulation, not by too little.

There are two basic paths to revenue sharing: Slowly but surely move team ownership rights into one solitary commissioner's office, or empower teams by removing all restrictions on forfeiting and relocation. The first path, the "Baseball Dictator" idea, is the one Major League Baseball is currently pursuing, in the oxymoronic name of "competitive balance." But the latter path would yield real, self-regulating change.

Imagine, for a moment, a sunny June day in New York. The relatively poor Minnesota Twins are scheduled to visit Yankee Stadium, where they will undergo a ritual shellacking. But the Twins have other plans. They tell the Bronx Bombers that they will forfeit the game unless they get compensation for schlepping to the House That Ruth Built. Why should the Twins put out, especially since they will see no money from the sale of tickets, parking, concessions, and broadcast rights? It's only fair they get something—the Twins, after all, are essential to the enterprise. Without them, there is no game and no payday for the Yankees. Facing such a prospect, the Yankees would have no choice but to offer the visitors a cut of the profits.

Hoping to tame the monster that is the economics of baseball, major league officials have instead managed to add a few more heads to the hydra.

Stop imagining, and allow reality to set in. The Twins—and, for that matter, the other 29 major-league teams—are required to field a team for every scheduled game. If they don't, the league levies a hefty fine. This rule grants large-market teams a clear advantage, since they get more out of each home game.

But visiting teams should be entitled to a cut of per-game profits, since they contribute to the wealthy home teams' profits just by showing up. As President George W. Bush—a former owner of the Texas Rangers—once told the Associated Press, "You're no good in the big market unless the small market teams come to play." If small market teams could simply forfeit away games *sans* penalty, the George Steinbrenners of the sport would be quick to offer them a cut of local revenues. Add to this the fact that teams cannot freely relocate to new cities. The small-market Cincinnati Reds cannot simply move to the Dallas/Ft. Worth metro area. Baseball's ownership would never approve such a move, thus forcing the Reds to remain eternally tied to Cincinnati, while the Texas Rangers maintain a monopoly in the Dallas area.

So let the Reds change locales. The Rangers would object, but to no avail. Only two things would prevent such a move: the fact that "Ft. Worth Reds" is a pretty pathetic team name, or a big, fat check from Ranger owner Tom Hicks made out to the Cincinnati ownership. Absent the right to bar other teams from muscling in on his territory, Hicks would have to compensate the Reds to prevent them from splitting his market. De facto revenue sharing would occur.

But it hasn't. Instead, MLB's official blue ribbon panel on the matter is pushing for what's being called a "straight pool plan." That is, a complicated and tough-to-police revenue sharing scheme that includes a "Commissioner's Pool" that would distribute money to small market clubs and a 50 percent luxury tax on payrolls in excess of $84 million. Hoping to tame the monster that is the economics of baseball—and professional basketball and football, for that matter—the task force has instead managed to add a few more heads to the hydra.

The root of baseball's economic problems lies in the restraints on what might otherwise be a free market. The league, as a whole, fails to realize that absent controls on team movement and rules against forfeiture of games, a revenue-sharing system would naturally evolve in one form or another. The key to transforming New York's pastime back into America's is to drastically reduce the powers vested in the central office. Maybe next year.

Dan Lewis (dan@dlewis.net) is a sportswriter living in Philadelphia.

WARD SCHUMAKER

By Abigail Kohn

Their Aim Is True

Taking stock of America's gun culture

It was mid-September, 1998, the first day of Northern California's Range War, a "cowboy action shooting" competition in which participants dress up in Old West costumes and use replicas of antique weapons. So far things were going pretty well. I was just starting to get used to my borrowed 12-gauge shotgun, and my revolvers (single-action .38s) were performing smoothly. My cowgirl costume was pretty comfortable—black silk jacket, flowing black silk skirt—and for once my hat was staying on my head. I was getting into my groove, hitting most of the targets with my pistols, and almost all of them with my new lever-action .44 rifle. My shotgun shooting wasn't too great, but the gun was borrowed, and that's always a good excuse. But I was fast approaching the toughest part of the event—the "mechanical pony" stage. Cowboy shooters have to load their guns

I had set out in search of gun crazies, but what I found were regular folks. These people are usually ignored by most media accounts of America's "gun culture"—or, perhaps more accurately, America's gun *cultures.*

and fire at metal targets while sitting on a rocking mechanical pony, the kind that used to be in front of supermarkets in the '70s. Everyone was complaining that the rocking motion was so jerky you couldn't hit the broad side of a barn. And anyone who forgot to keep her shotgun stock braced firmly against the hollow of her shoulder would be sore for weeks. I was dreading this stage.

I heard the rangemaster call my name, and that meant it was time to make final preparations for my turn. In the safety area, I carefully loaded my rifle with the requisite 10 rounds. Then I loaded my revolvers and tucked them back into my hip holsters. My heart was starting to pound, and when my name was called, I slowly walked up to the pony, handing my rifle and shotgun (with their actions open) to the shooter who'd be keeping track of my hits. I readjusted my eye and ear protection, climbed up onto the pony, and nodded that I was ready. I could feel how clammy my hands had gotten as I took back my rifle, the first of the four guns I would shoot.

I vaguely heard the rangemaster yell the commands to standby and then start, but I was already on autopilot, trying to move with the pony, which had started rocking. The motion was slow, but since I was used to shooting while standing perfectly still, it had already completely destabilized me. I tuned out everything except the gun I was holding at the moment and the targets in front of me (pretty far in front of me, actually). I worked my rifle's lever to chamber a round, aimed, and fired. Aiming was not easy, but I felt like I was shooting close to the target. I think I even managed to hit a few, but I couldn't be sure. After firing all 10 rounds, I handed down my rifle. The pistols were easier to aim and shoot, and I heard five of my 10 shots plink against the metal targets.

The shotgun was the worst, as I knew it would be. My borrowed gun was a "side-by-side," a 12-gauge double-barreled shotgun. I am not a tall woman, so even with light loads, this gun was a handful. After loading quickly, I brought the butt up against my shoulder and held it there as tightly as I could. I was so full of adrenaline that I didn't even feel nervous anymore. I let myself rock back and forth with the motion of the pony and carefully aimed at the targets about 8 or 10 yards away. I pulled the first trigger. The gun slammed back against my shoulder with a thud. What seemed like an eternity later, I pulled the second trigger, and this time I managed to control the recoil pretty well. But by this point I was too busy reloading to feel much satisfaction from having hit the target on one of my first two tries. After loading two more times, I realized that I probably hit only half my targets.

That last shot was a relief. When I climbed down from the pony, stiff from tension, my shoulder was already throbbing. The recoil had caused a massive bruise to begin forming.

The cowboy shooter who'd been counting my hits smiled at me and nodded encouragingly. He was a regular at these events, in his late 60s. With an authentic cowboy drawl, he said: "That was good, careful shooting. Don't worry, speed comes later. That was good shooting." I almost groaned—I must have been really slow. I nodded and smiled at him, taking back my rifle. Then I walked back to the safety area to unload my revolvers and check all my guns.

Truly, I didn't care how fast or accurate I had been. I was just glad to have it finished. My shoulder was really starting to ache. I was not looking forward to tomorrow's team shoot, though thank God it would be the last day of the two-day event. I had learned an important lesson: It's tough to be a decent cowboy action shooter when you have to keep borrowing the guns.

There was a time when I would not have wanted to touch a gun of any kind, much less spend part of an afternoon riding the back of a rocking mechanical pony and blazing away at a series of targets with revolvers, rifles, and shotguns. But that improbable picture is the culmination of a journey that took me from the ivory towers of academia to the shooting ranges of Northern California. Bluntly, I was surprised by what I found there. As a practicing anthropologist, I had set out in search of gun crazies, but what I found were regular folks—enthusiasts who relate to their guns in generally socially positive ways. These people are usually ignored by most media accounts of America's "gun culture." What follows is the story of how I came to make that discovery, and some brief sketches of the sorts of people who make up America's much-maligned and misunderstood gun culture. Or, perhaps more accurately, America's gun *cultures.*

Militia or Mainstream?

I am a 32-year-old anthropologist, and the focus of my research is gun use in the U.S. For a "gun scholar," I think I have an unusual

background. I did not grow up with guns; I grew up on the East Coast, the daughter of white, politically liberal, Jewish parents. After finishing college and a master's program in England, I came back to the U.S. and decided on more graduate school. I chose to study anthropology because I liked the spirit of adventure it embodied, and because I liked the idea of working within a nonjudgmental discipline that encouraged the study of human social interaction. In 1993, I entered the joint program in medical anthropology at the University of California at Berkeley and San Francisco.

I didn't expect to study guns. But after several years of studying and living in Berkeley, I found that my interest in my original topic of inquiry—culture-bound psychiatric syndromes—was waning. So I slowly began looking around for other research topics, hoping to find something current and interesting. Around that time, I met a fellow anthropology graduate student named Michael (his and all subsequent names have been changed), who was writing his dissertation on Moroccan tourism.

Michael was a fascinating person. A highly educated secular Jew from New England, he was pro-choice and pro-feminism—and he liked to ride motorcycles. Most intriguing of all, Michael was a hunter. I found this last facet to be particularly odd. I felt that I had a lot in common with Michael, but I didn't expect a man who was so liberal and so urbane to be interested in guns. Unlike me, Michael had grown up around guns. He hunted with his father and brother, and he owned several guns, including a rifle, a shotgun, and a starter pistol that he used to train his dog to hunt.

I was intrigued by my inability to pigeonhole Michael. I also liked his willingness to share his interests with me, most specifically his interest in guns. That attracted me, not only because I was so aware of my own ignorance, but also because his readiness to share such a traditionally masculine interest said something about his gender egalitarianism. Though we had a sometimes-romantic relationship, we eventually decided to be simply friends, which we remain five years later. After getting to know each other for several months, we decided to try working together.

We began by studying the right-wing militia movement of the early 1990s. Our first foray into the subject would have been comical if it hadn't been so naïve. Our initial attempt to meet local militia members took us to a shooting range in the Bay Area, where we assumed local militia meetings would be held. We went on a Tuesday night, fully expecting the range to be seething with radical political activity. Why else would people congregate at a shooting range, if not to meet other like-minded, potentially dangerous right-wing gun nuts? It never occurred to us that they might be there for the simple enjoyment of target shooting.

It embarrasses me now to recall that trip. We went expecting to find militia members milling around in camouflage gear, holding signs, and handing out radical pamphlets. Needless to say, we didn't meet anyone during our visit who fit that description. There may be isolated ranges across the U.S. that do cater predominantly to shooters involved with the militia movement, and even ranges that covertly sponsor "radical political activity." But there were no militia meeting schedules to be found at the range we visited, even though we did see a radical bumper sticker or two: "Gun control is hitting your target."

After we realized that we probably weren't going to accomplish our original goal of establishing contact with the militia, we starting paying attention to what we could learn at the range. And that first time shooting, I discovered something I knew absolutely nothing about: gun enthusiasm. That Tuesday evening at the range we met a lot of people who were there for essentially one thing: to shoot guns. For the most part, they were friendly people who were ready and willing to talk about their interest in guns and their enjoyment in shooting. Eventually Michael and I dropped the militia project, but my interest in gun enthusiasm continued. It has proven to be a very fruitful avenue for research.

My first experience shooting a gun provided me with some insight about the enormous cultural conflict surrounding the issue of guns in American society. Guns simultaneously attracted and repelled me. When Michael and I first went shooting, the rangemaster asked us what kind of gun we wanted to try, and I immediately said, "A Glock." I had heard that name dozens, if not hundreds, of times on TV and in the movies, and it was strangely appealing for that reason. But it also seemed the most representative of crime and violence, which put me off. It represented two sides of the same coin, and I wanted to get my hands on it.

The rangemaster shook his head, amused, and muttered, "They always want to try the Glocks." He gave us a 20-minute lesson, dur-

Gun ownership in the United States

According to widely varying estimates, there are between 77 million and 90 million gun owners in the United States. Here are some of their characteristics.

(Sources: Gallup Polls of 1,012 adults from August 29–September 5, 2000; and 1,054 adults from February 8–9, 1999)

39 Percentage of Americans reporting a gun in their home

47 Percentage of men reporting a gun in their home

27 Percentage of women reporting a gun in their home

40 Percentage of whites reporting a gun in their home

19 Percentage of nonwhites reporting a gun in their home

46 Percentage of Southerners reporting a gun in their home

39 Percentage of Midwesterners reporting a gun in their home

26 Percentage of Easterners reporting a gun in their home

33 Percentage of Westerners reporting a gun in their home

Shooting makes Thea, a vivaciously attractive woman in her mid-40s, feel confident and strong—or, as she puts it, like she has "something else going on besides estrogen depletion."

ing which I had to pick up and handle the gun several times. I was terribly excited, but also very nervous. Finally the rangemaster marched us onto the range, stopping at an unused lane. He turned to the man shooting in the lane next to ours and said, "Keep an eye on these two, Bob. They don't know what the hell they're doing."

We felt vaguely humiliated, but we didn't protest—he was right. And I realized several important things in that moment. There is no one essential way to understand what guns are, and what they do. And therein lies the culture conflict. Guns have come to signify the best—and the worst—qualities of heroes and villains in the American imagination. Guns are both literally and symbolically very powerful, and I was drawn to this research because I wanted to understand, and analyze, the sources of that power.

Aid and Comfort

Although I was interested in becoming a shooter for the firsthand experience it would bring to my research, I was and continue to be somewhat nervous around guns. I am comfortable with my own guns (I have bought several since getting started), but I am not a tried and true gun enthusiast. I think that my anxiety, which was initially simply fear, actually made the research more enriching for me. I really had to work through those feelings to do the research, as I was literally handling guns every day.

Working with Michael helped as well, because I could tell he was impressed with my desire to take on such a traditionally masculine interest and sport. Most of the female shooters who I know were introduced to guns by men, and I know for myself that overcoming my fear and matching Michael shot for shot was both challenging and exhilarating. It was anxiety-producing too, but fantastic because I could do it, and I became pretty good at it.

The point of my research, as I explained to wary but supportive faculty advisors and family, was to understand what guns *symbolized* to gun enthusiasts. Why do people enjoy owning guns? What does gun ownership mean to them? To answer these questions, my research took me to places that are generally considered the sole province of that much-maligned and poorly understood whipping boy called "the gun culture." I took lessons from instructors certified by the National Rifle Association, went to gun shows, and shot on ranges and in competitions. Most importantly, I interviewed 37 adult men and women who identified themselves as gun enthusiasts ("shooters" is their preferred term).

I spent the most time with a local posse of cowboy action shooters, and in the process became an active participant in their sport. Beyond dressing in period costumes and using old-style weapons, cowboy action shooters construct elaborate mock-ups of Old West towns using painted plywood and vivid imaginations. These cow towns are assembled and dismantled on local shooting ranges on the weekends, all for the purpose of the somewhat complicated shooting competitions sketched out at the start of this article. Some of the better-attended (and better-financed) shoots include makeshift dance halls and saloons. Shooters eat, drink, dance, hang out, and, most important, shoot. I enjoyed spending time with the cowboy action shooters. This part of my research constituted what anthropologists call "participant observation," and my observations and assessments composed my anthropological data.

My interviews, conducted over 14 months from late 1997 to the end of 1998, were a little more quiet and contained. I interviewed not only cowboy shooters, but also general enthusiasts, people I met at every stage of my research. They were fascinating people, each worthy of introduction. The following three are representative gun enthusiasts. As important, they break down the idea of a monolithic gun culture.

Community Servant

I met Greg relatively early in my research. He taught my second class on handgun safety at a local shooting range in the Bay Area. A knowledgeable and articulate Vietnam veteran and manager at a security firm, Greg volunteers his time as a shooting instructor. He teaches an all-day class every month to groups of five to 10 people.

Greg—who, like most of the instructors I've met, is white—emphasized the importance of "good gun etiquette," which includes becoming thoroughly familiar with your firearms and their properties, and never pointing a gun at another human being, regardless of whether or not it is loaded. He underscored the importance of this by observing the rule at all times.

When he handled guns, he turned them in his hands very carefully, without ever pointing the muzzle at himself or anyone around him. Throughout the lesson, he constantly reminded us of the deadliness of guns, reiterating the idea that while they were not "magic talismans," they did have symbolic and literal power in the hands of their users, regardless of why they are used. Greg was a charismatic man and a good teacher, and the lesson with him passed quickly, culminating in a late afternoon shooting session in chilly winter rain. He observed our group as we shot our handguns at paper bull's-eye targets, brusquely correcting improper stances or techniques. This class was the most exhausting one I attended during my entire research.

When I interviewed Greg, he spoke candidly about why he volunteers to teach gun safety, and why he enjoys it. Greg explained that he joined the military as a young man to test both his manhood and his independence, and he credited the military with teaching him much of what he knows about firearms. His military experience aged him considerably, and his interest in guns subsided once he got out of the service. But several years later, a friend reintroduced him to shooting. Since then, he's been an enthusiast.

Greg believed strongly that he was performing a community service by passing on his knowledge. He talked about how people, particularly women, come to his classes frightened, both of guns and of being victimized. Greg felt that the media and the entertainment industry prey on people's fears of guns and crime. It was important to him to provide knowledge and understanding of how to use guns safely and effectively. He believed that the anxieties of living in a violent society necessitate learning to keep yourself safe, not because you are likely to be attacked, but because fear of being attacked can be paralyzing. Though I didn't agree with all of Greg's views, I certainly respected the experiences on which they were based.

Ms. 45

I met Thea in an introductory handgun class that was taught by two other women. An attorney, she was a vivaciously attractive white woman in her mid-40s. She had grown up under difficult circumstances in the Midwest and had married her childhood sweetheart. Although he had kept a shotgun, Thea had no interest in guns back then. She did, however, have an abiding interest in law enforcement, and in her late 20s she applied to the FBI Academy and was accepted. But before she could join the agency, her husband died, leaving her to raise their two daughters alone. She did not join the FBI, though eventually she went to law school and became an attorney.

Thea became much more interested in guns when she began dating a gun enthusiast, whom she has since married. Thea associates her husband Jonathan's gun enthusiasm with his willingness to care for and protect her. Initially, I was ambivalent when she told me that because Thea seemed so feminist in both her professional and personal life. But her interview reminded me that people are more complex than labels can render them. Thea made it clear that these issues are complicated for her. She said: "I made a career, personally and professionally, of empowering people. But as good as I've always been about standing up for other people, I'm not the least bit good about standing up for myself. And so it's very important to me to have somebody—I mean, I didn't have a clue how important that was until I was with Jonathan—to have a man protect me. And I feel like he is completely protective of me. I just kind of bask in that."

Shooting makes Thea feel confident and strong—or, as she puts it, like she has "something else going on besides estrogen depletion." She admires shooters as people who know how to stand up for themselves. "I think of them being kind of in charge of their destinies. And I think maybe that's another reason why this is something that's good for me now." She linked her admiration for shooters to her difficult childhood. Shooting has helped her find an inner strength. "I'm a person who loves to stand up to bullies. My old man [her father] was such a bully—this is a very new skill that I'm learning to cultivate. It's very hard for me. And this makes me feel strong."

The Rifleman

I met Leonard while I was becoming a cowboy action shooter. A somewhat quiet and reserved man, he was a regular in the group. When I asked if I could interview him, his exact words were, "You don't work for Sarah Brady, do you?" He agreed to talk with me only after I assured him that I did not work for the gun-control advocate.

Leonard was particularly interesting be-

52 Percentage of rural residents reporting a gun in their home

36 Percentage of suburban residents reporting a gun in their home

25 Percentage of urban residents reporting a gun in their home

67 Percentage of Americans who have ever fired a gun

86 Percentage of men who have ever fired a gun

51 Percentage of women who have ever fired a gun

66 Percentage of gun owners who own guns for target shooting

65 Percentage of gun owners who own guns for protection against crime

59 Percentage of gun owners who own guns for hunting

62 Percentage of gun owners who own a rifle

59 Percentage of gun owners who own a shotgun

64 Percentage of gun owners who own a handgun

4 Average number of firearms possessed by gun owners

Leonard, a middle-class black architect, was knowledgeable about the contribution of African-Americans to the historic frontier, and he derived his pleasure in cowboy action shooting from this actual history.

cause he was one of the few African-Americans who competed regularly at local and regional cowboy shoots. Leonard was a middle-class family man, an architect who lived and worked in the city, and he had also been in the military.

He loved Winchester rifles, and apparently had quite a collection. I asked him why he liked cowboy shooting, and why he thought there were so few black men on the modern-day cowboy range. He said that he thought it was because so few African-Americans know about their ethnic heritage on the 19th-century frontier. He thought blacks weren't likely to learn about their heritage from Hollywood Westerns, the source of so much popular knowledge of the frontier, because Westerns rarely portrayed the African-American contribution to the Old West.

He said: "I think a lot of times—until just recently, maybe in the '60s— when you used to see Western movies, you didn't see black faces. But I knew ever since I was a kid that there were [black cowboys], because we had pictures of guys from around 1901."

Leonard was quite knowledgeable about the contribution of African-Americans to the historic frontier, and he derived his pleasure in the sport from this actual history, as opposed to the mythologized history that is dramatized by the sport of cowboy shooting. When I asked him what guns meant to him, he said, "I always thought that if you had a good horse, a good Winchester, and a good backpack, you could go into the woods and stay forever. So it's kind of a romanticized freedom, maybe."

It was easy to see how this image could appeal to a man who lived and worked in a highly urban environment. Leonard had a sophisticated understanding of the difference between fantasy and reality, but that knowledge did not diminish his pleasure in cowboy action shooting.

Paradigm Found

Contrary to my initial expectations of the "gun nuts" who presumably constitute what critics disparagingly refer to as "the cult of the gun in America," most members of "the gun culture" I've talked with are typical citizens. They live normal American lives, insofar as any of us is "normal." They have complex and sophisticated ideas about what guns do, what guns are for, and why guns are an important part of American history, society, and culture. A point that is consistently overlooked in the heat and vitriol of the gun debate is that millions of Americans have ostensibly enjoyable, or at the very least ordinary, experiences with guns all the time.

My own professional and personal experiences have also helped me understand why shooters are so resistant to the idea that guns are really only weapons of violence. They can certainly be used that way, and I don't know a shooter who doesn't acknowledge that point. But guns are also about sport and recreation. They are about spending time with friends and others who share the pleasure of challenging sporting competition.

For that reason, when critics equate guns only with violence, they miss a large part of the picture, and they misrepresent the complex nature of America's diverse, multilayered gun culture. If guns were *only* about tragedy and death, then they would not be so enjoyed and so firmly incorporated into the lives of so many different Americans. The people who actually are part of the gun culture often have rational, thoughtful, or simply mundane reasons to own and use guns. Ridiculing and insulting them to further policy agendas strikes me as both counterproductive and wrong.

I took up shooting and researching guns to confront my ambivalence about guns and their relationship to violence, and to try to understand why they are such powerful symbols in American society. If I learned nothing else during my research, I learned that "the gun culture" is not some concrete, bounded entity that is manifested at gun shows or at shooting ranges, or in NRA magazines.

The gun culture is a fundamental part of American culture as a whole. Members of America's gun culture don't live in a vacuum. They serve on school boards; they attend town meetings; they go to neighborhood parties and community picnics; they go to their jobs in large and small places of business. They have incorporated guns into their lives, and many of them really aren't interested in changing that fact. Until critics of guns and the gun culture recognize that fact, they are only going to alienate gun owners and polemicize the gun debate. Neither result will further a goal sought by both sides: to reduce the amount of violence in American society.

Abigail Kohn (abbykon@itsa.ucsf.edu) is researching gun culture in Australia and is at work on a book about American gun enthusiasts.

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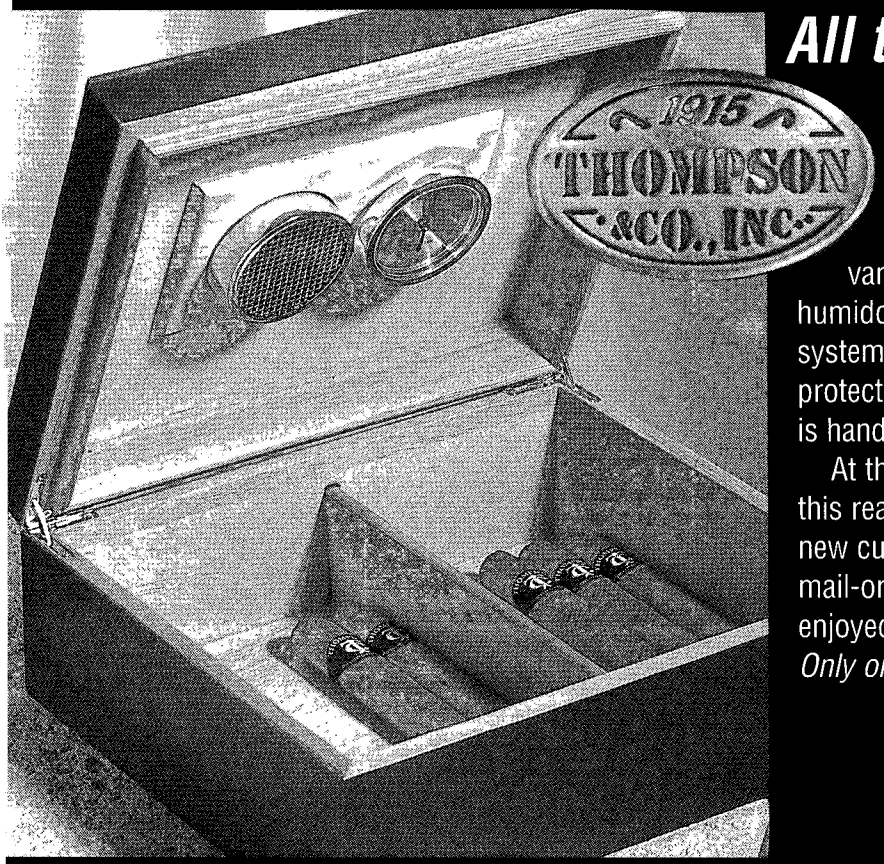

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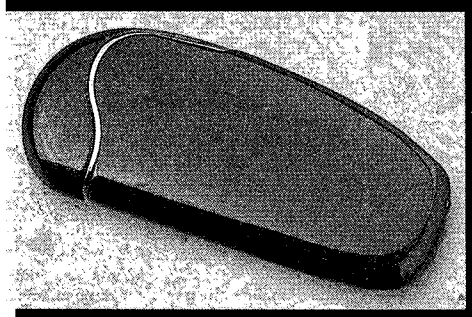

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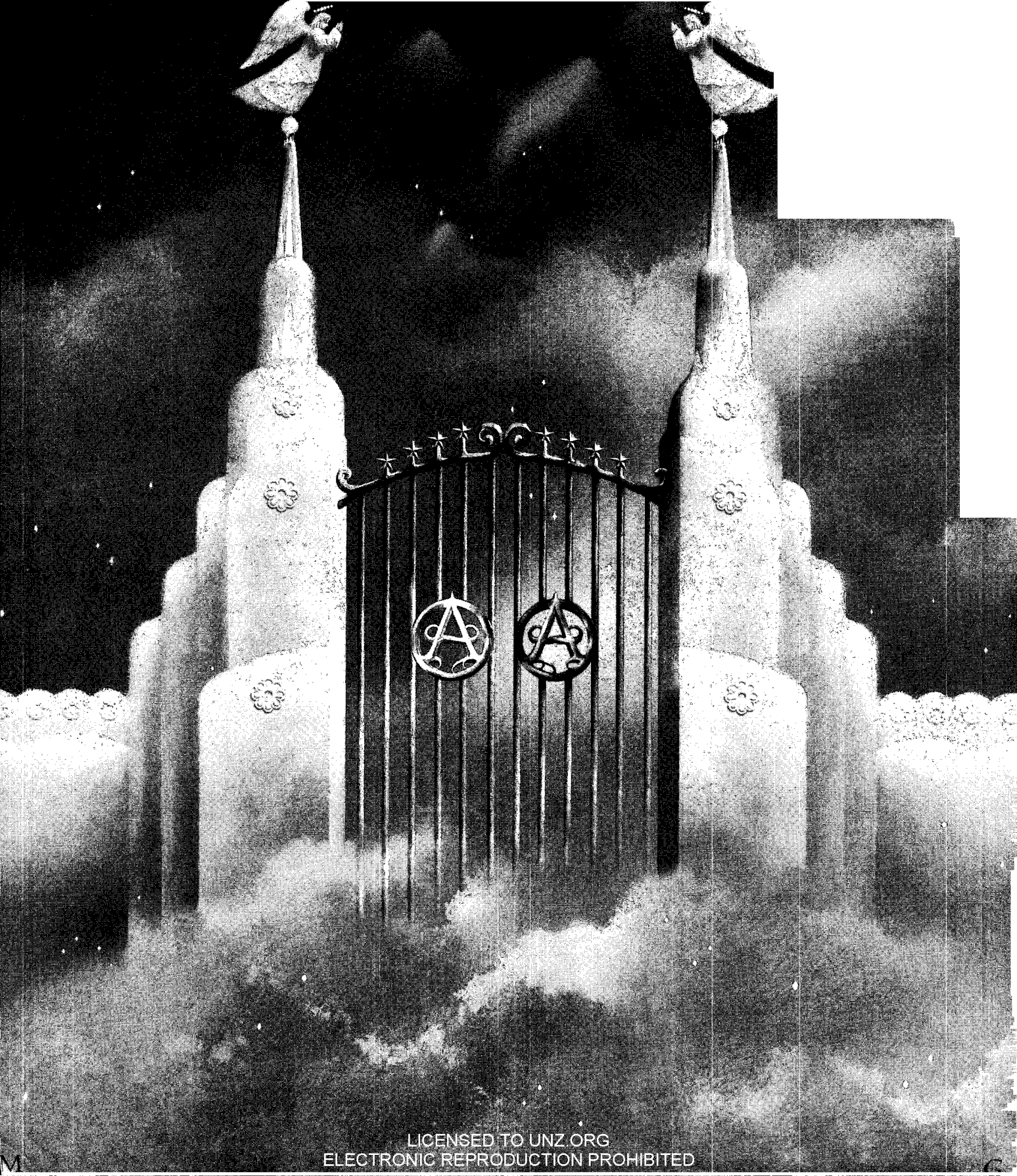

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Drunk with Power

The case against court-imposed 12-step treatments

In 1990, a landscaper named Robert Warner pled guilty in a Woodbury, New York, court to drunken driving charges, his third such conviction in a little over a year. Judge David Levinson, following the recommendation of the Orange County Department of Probation, sentenced Warner to attend Alcoholics Anonymous meetings for three years. In fact, OCDP specified AA participation in all its alcohol-related cases.

MICHAEL GIBBS

By Stanton Peele

In clinical trials, neither 12-step treatment in general nor AA in particular has ever been found superior to a tested alternative treatment.

Warner soon objected to the AA meetings, but his probation officer ordered him back to AA. After almost two years, Warner filed a claim in federal court against the probation department. Warner, an atheist, said that it was unconstitutional for him to be sentenced to attend the 12-step program, which relied on God and a "higher power" as its method of addressing alcoholism, and at which prayer was a regular feature. In 1994, the federal District Court for Southern New York ruled for Warner, finding that "sending probationers to rehabilitation programs which engage in the functional equivalent of religious exercise is an action which tends to establish a state religious faith." The 2nd Circuit Court of Appeals affirmed the decision in 1996.

Warner's was the first in a series of successful challenges to the widespread practice of coercing defendants to participate in AA or in treatment programs based on its 12 steps. Since then, three other appeals courts have ruled against the practice; these are two state Supreme Courts (New York and Tennessee) and the federal 7th Circuit Court in Wisconsin. These courts have based their decisions on the Constitution's Establishment Clause, which prohibits government-established religion. The U.S. Supreme Court has ruled that no government body can require religious participation of any sort.

Recently, Oklahoma's conservative Gov. Frank Keating harshly criticized such decisions. Writing last December 13 for *National Review Online*, Keating complained bitterly that, "Apparently it wasn't enough to ban classroom prayer and remove Christmas displays from city parks; now the federal judiciary is after Alcoholics Anonymous, which has had the audacity—for two-thirds of a century—to mention God's name as it saved millions of lives." Other prominent politicians have derided these decisions, but only Keating has fully laid out the arguments in favor of compulsory 12-step participation, thus summarizing the resistance to the recent court decisions.

Keating's argument is filled with factual errors. For example, he writes as though the decisions about AA had just occurred, "66 years" after a vision that co-founder Bill Wilson had in 1934. Keating further asserts that these decisions were made by "federal circuit courts ...in Wisconsin and California." In fact, the four appellate courts that have ruled against the state imposition of AA or 12-step treatment did so in 1996–1997, and none of them was in California. Keating has apparently confused the Orange County, New York, of the *Warner* case with Orange County, California. In 1994, the federal District Court for Central California did rule on an Orange County, California, requirement that DUI offenders attend a self-help group, generally meaning AA. But in that case, the court upheld the local court's reliance on AA as the main referral for convicted drunken drivers. Of critical importance for the court was that the law permitted the plaintiff to select a non-AA program, or to devise his own self-help program, to be approved by the county.

In Wisconsin, the 7th Circuit Court found that Oakhill Prison warden Catherine Farrey wrongfully compelled James Karr to participate in Narcotics Anonymous. If he refused, Karr faced being shipped to a tougher prison, while being denied parole. Considering that *Karr* was decided in 1996, Keating is not very convincing when he claims that this decision endangers "the widespread and growing practice of mandating AA involvement" for inmates and parolees. And, despite the *Warner* decision, as Keating himself notes, "AA meetings and some form of AA-based counseling or treatment have become almost standard conditions for probation" for DUI offenders.

Indeed, that development is precisely the problem. The decisions of the mid-1990s have been widely ignored by courts, prisons, and probation departments, partly because the U.S. Supreme Court has not ruled on the issue. Of course, the Supreme Court's refusal to hear a case does not necessarily mean that it accepts a lower court's decision, and the Court could uphold mandatory 12-step sentencing in the future.

One appeal the U.S. Supreme Court refused to hear was from a state decision against New York's Department of Corrections. New York's highest court ruled against the department in 1996 when the latter made inmate David Griffin's entry into a prison family reunion program contingent on his participation in the department's 12-step substance abuse program.

In the absence of a definitive national precedent, similar cases will continue to percolate up through the courts. Meanwhile, in reaction to *Griffin*, New York prison officials designed new legal strategies to compel inmates to participate in the state corrections treatment program. Prison officials argued in the District

Court for Northern New York that Troy Alexander's repeated objections to participating in the 12-step program were not based on genuine conviction. But last September, the court rejected this argument because it required the state to evaluate people's religious beliefs (or lack thereof), which the First Amendment was designed to avoid in the first place.

Defendants who are accused of 12-step coercion invariably claim that AA is a spiritual, not a religious, program. Keating defends this notion at length. Yet "God," or "Him," or a "higher power," is mentioned in half of the 12 steps. Keating singles out as essential "AA's elegant third step: 'Came to believe that a power greater than ourselves could restore us to sanity.'" (Note to Keating: This is actually AA's second step.) Like other AA defenders, Keating says that this higher power can be anything, "a dead ancestor, a tall tree, or the group itself."

But does Keating really mean that belief in trees can "restore sanity"? For their part, the courts have rejected such arguments. As is the case with many AA groups, those that Robert Warner attended in 1990 began with a religious invocation and ended with a Christian prayer. More basically, New York's highest court pointed out in its decision in *Griffin* that "a fair reading of the fundamental A.A. doctrinal writings discloses that their dominant theme is unequivocally religious....While A.A. literature declares an openness and tolerance for each participant's personal vision of God,...the writings demonstrably express an aspiration that each member of the movement will ultimately commit to a belief in the existence of a Supreme Being of independent higher reality than humankind."

Although Keating was on George W. Bush's short list for attorney general, he apparently cannot distinguish religious from secular. He details from AA's "Big Book"—which records stories about AA's early members and outlines the group's principles—how a desperate Bill Wilson "asked God to intervene, saw a brilliant burst of light, and felt immense peace." But New York's high court used this story as evidence that AA is religious: "'Bill's Story' describes the spiritual transformation of one of the co-founders of A.A., in which he finally achieved salvation from his alcoholism by 'enter[ing] upon a new relationship with my Creator.'" Although Keating claims all religions can embrace the 12 steps, the American Jewish Congress filed a friend-of-the-court brief in support of Griffin.

The courts have not forbidden 12-step treatment in prisons or DUI programs. As Keating recognizes, "The courts said Twelve Step involvement could not be mandated; they did suggest that courts and parole authorities could continue to require involvement in some form of treatment or recovery program as long as there is a secular, 'non-religious' alternative." It is true that the courts in these cases have made clear that the absence of an alternative was the deciding factor. Keating instead devises this non sequitur: "Pluck out all the references to God or spiritual elements, the rulings said, and you'll be fine. As a result, hundreds of court and prison system bureaucrats across America are busily engaged in sad and ludicrous efforts to rewrite Bill Wilson's Twelve Steps."

According to Keating, the court is attacking practices that "promise potential reductions in the national crime rate of up to 50 percent!" But this claim confronts a difficult reality. AA has grown exponentially, from 100 members in 1939 to 1.16 million members currently, according to the AA Web site. (Keating puts this figure at more than 2 million people.) At the same time, a 1997 survey conducted at the University of Georgia found that more than 90 percent of private treatment programs are based on AA's 12 steps. Why, then, is our prison population at record levels, and why is so much of this crime associated with substance abuse? Keating approvingly refers to a Department of Justice finding that most criminals are substance abusers, including a "staggering 83 percent of state inmates."

Keating cites several studies that have found that inmates who complete treatment and continue to attend AA have better records than untreated prisoners and parolees. However, studies that include dropouts from treatment groups in their calculations have reported different results. For instance, a 1999 study of Texas' correctional substance abuse treatment programs found that those who participated in an in-prison program had the same recidivism rates as non-participants. Although those who completed the program did better than untreated offenders, those who entered but did not complete the program did worse. Moreover, probationers enrolled in treatment in Texas had an overall *higher* recidivism rate than non-participants.

Most people recognize that imposing Christianity is un-American. Yet many accept the government's imposition of AA and 12-step programs.

Even if AA and 12-step treatments were better than available alternatives, forcing people into such programs would violate their personal integrity.

Two explanations could account for such findings. One possibility is that, while treatment and non-treatment groups are equally likely to be recidivist, those who quit treatment are those who were more likely to relapse anyway. Thus, counting only those who remain in treatment and aftercare is cherry-picking those most likely to succeed in the first place. The other possibility, which would scandalize AA zealots like Keating, is that those who have a negative reaction to AA and its 12-step approach are actually *driven* to relapse by the experience.

For Keating, AA is singularly and extraordinarily effective: "The hard truth is that in the thousands of years before AA, there was no effective treatment for alcoholism....In 2000, as in 1935, if you're a drunk and you want to get sober, you go to AA or to a treatment program based on AA's Twelve Steps. ...It's still the only game in town...." Orange County's attorney, Richard Golden, asserted this after the Warner decision: "There are alternatives out there. Do the probation officials think they are satisfactory? Absolutely not." Indeed, New York's highest court accepted the claim that "A.A. practices and precepts have proven to be the most effective method for preventing relapse...."

In fact, in clinical trials in which alcoholics are randomly assigned to different treatments, neither 12-step treatment in general nor AA in particular has ever been found superior to a tested alternative treatment. Indeed, in most cases, the reverse has been true. In 1991, Diana Walsh and her colleagues at the Harvard School of Public Health assigned employee assistance program referrals for alcohol abuse either to a treatment program or to AA, or gave them a choice of treatments. Sixty-three percent of the AA assignees required additional treatment, compared with 38 percent of the choice group and 23 percent sent to a treatment program.

In 1997, the National Institute on Alcohol Abuse and Alcoholism completed its massive Project MATCH—at over $30 million the largest clinical trial of psychotherapy ever conducted. Three treatments were compared: (1) skills training, which teaches alcoholics to cope with feelings and stress without drinking; (2) motivational enhancement, which leads alcoholics to balance their other values against the need for continued drinking; and (3) "12-step facilitation." Neither skills training nor motivational enhancement refers to a "higher power." In MATCH, leading clinicians wrote handbooks, trained professional counselors, and monitored videotapes of therapy sessions. Under these ideal conditions (unlike anything an inmate or drunken driver will experience), 12-step treatment merely did as well as the other two therapies. Nonetheless, since it required 12 sessions, while motivational enhancement took only four, the latter would be the most cost-effective therapy for alcoholism according to usual medical standards.

AA members often assert that these negative findings result from *forcing* individuals into treatment. Yet coercion—the most common path into AA—is exactly what Keating and many treatment advocates espouse. As Keating writes, "People rarely walk voluntarily through the door and ask for help; most of them arrive unwillingly, forced to AA and treatment by circumstances that have increasingly included orders by courts or parole officers....With drunkies and junkies, you usually need a hammer."

Although it has been adjudicated only in relation to prison and probation programs, AA coercion by state agencies and representatives extends well beyond these populations. Government-licensed professional organizations—including pilots, attorneys, and health professionals—public assistance programs, and family courts all regularly assign Americans to 12-step programs. Most people recognize that imposing Christianity is un-American, even if those who adopt Christianity have fewer drug and alcohol problems. Yet many people readily accept the government's imposition of AA and 12-step treatment.

Even if AA and 12-step treatment were better than available alternatives, and even if the courts found that the powerlessness that each AA member must admit to in Step 1, the higher power each has to subscribe to in Step 2, and the "decision to turn our will and our lives over to the care of God as we understood Him" in Step 3 were as nonspecific as Keating claims, forcing people into AA would still violate their personal integrity. Do Keating and other advocates of compulsory 12-step treatment really believe that the state has the right to tamper with a citizen's inner beliefs in this way? ◆

Stanton Peele (www.peele.net), an attorney, psychologist, and addiction expert, is the author (with Charles Bufe and Archie Brodsky) of Resisting 12-Step Coercion.

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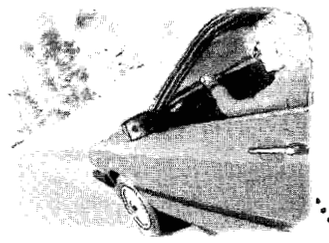

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Citadels of Dead Capital

By Hernando de Soto

What the Third World must learn from U.S. history

Throughout the Third World and the formerly communist countries, neighborhoods buzz with hard work and ingenuity. Streetside cottage industries have sprung up everywhere, manufacturing anything from footwear to imitation Cartier watches. There are workshops that build and rebuild machinery, cars, even buses. In many countries, unauthorized buses, jitneys, and taxis account for most public transportation. Often, vendors from the shantytowns supply most of the food available in the market, from carts on the street or from stalls in buildings they built themselves. The new urban poor have created entire industries and neighborhoods that have to operate on clandestine connections to electricity and water.

HUGH SYME

The emerging economic powers of the developing world are the garbage collectors, the appliance manufacturers, and the illegal construction companies.

Such "extralegality" is often perceived as a "marginal" issue. In fact, it is legality that is marginal; extralegality has become the norm. When international agencies jet their consultants to the gleaming glass towers of the elegant quadrants of town to meet with the local "private sector," they're talking to only a fraction of the entrepreneurial world. The emerging economic powers of the developing world are the garbage collectors, the appliance manufacturers, and the illegal construction companies in the streets far below.

In spite of their obvious poverty, even those who live under the most grossly unequal regimes possess far more than anybody has ever understood. These possessions, however, are not represented in such a way as to produce additional value. When you step out the door of the Nile Hilton, what you are leaving behind is not the high-technology world of fax machines, ice makers, television, and antibiotics. The people of Cairo have access to all those things. What you are really leaving behind is the world of legally enforceable transactions on property rights. In Cairo and similar cities, mortgages and accountable addresses are unavailable even to people who would probably strike you as quite rich.

Outside Cairo, some of the poorest of the poor live in a district of old tombs, called the City of the Dead. But almost all of Cairo is a city of the dead—of dead capital, of assets that cannot be used to their fullest. The institutions that give life to capital—that allow one to secure the interests of third parties with work and assets—do not exist here.

To understand how this is possible, one must look to 19th-century America. The United States inherited from Britain not only its fantastically complex land law but also a mess of overlapping land grants. The same acre might belong to one man who had received it as part of a vast land grant from the British Crown, to another who claimed to have bought it from an Indian tribe, and to a third who had accepted it in place of salary from a state legislature—and none of the three might ever have actually laid eyes on it. Meanwhile, the country was filling up with immigrants, who settled boundaries, ploughed fields, built homes, transferred land, and established credit long before governments conferred on them any right to engage in these acts.

Those pioneers believed that if they occupied land and improved it with houses and farms, it was theirs. State and federal governments believed otherwise, and sent troops to burn farms and destroy buildings. When the soldiers left, the settlers rebuilt and returned to scratching out a living. That past is the Third World's present.

English Unsettlement

Initially, colonists in British North America attempted to apply the doctrines of English property law. But most colonists comprehended few of the technicalities of English law; many did not know or care to know the differences between legal writs, law, and equity, or other subtleties. More importantly, the common law of property was often ill-suited to deal with the problems that confronted the colonists. A superabundance of land presented the first settlers with opportunities unimaginable in the Europe they had left. Not all of this land was fertile, well-drained, or within easy reach of meadows to supply hay for the settlers' cattle and horses. In their search for suitable land, the colonists often moved at whim, laying out boundaries, cultivating fields, building houses—and then abandoning it all to move on to more fertile territory.

The result for property rights was a great deal of variability and extralegality. In England, occupying a plot of land for a long period without a title—"squatting"—was against the law. In America, squatting on available land quickly became a common practice. According to Amelia Ford's study of the colonial precedents of the U.S. land system, "Before the arrival of the Massachusetts Bay Company in New England, there were settlers without charter or grant living at various places within the limits of the Bay....The first Connecticut settlers were legally trespassers on their territory and could base their rights only in occupation and purchase from the Indians." During Maryland's early years, Frenchmen and other non-English people resided on land that they were incapable of owning under the conditions of the grant. And in 1727, Pennsylvania legislators protested those who "sitt frequently down on

any spott of vacant Land they can find." These colonial American squatters had already occupied and improved 100,000 acres of land without legal permission.

There were no effective legal means to reconcile many of the conflicts that arose. As a result, squatters turned to de facto devices that created openings for legitimizing squatting. One of the most intense conflicts took place on the largely vacant outlying territory now known as Vermont.

Prior to the American Revolution, both New York and New Hampshire claimed the territory of Vermont. In order to circumvent New York's claim, Gov. Benning Wentworth of New Hampshire, "acting on the principle that possession was nine tenths of the law...made free grants in the region to both New Hampshire and Massachusetts citizens," notes author Aaron Morton Sokolski. Following closely on their heels, squatters with little allegiance to any state soon overran the territory. Although both colonies attempted to thwart the squatters' claims by repeatedly bringing ejectment proceedings against them, squatter dominance of the territory was so complete that Ethan Allen and his "squatter followers" won independence and then statehood for Vermont following the Revolution. A primary result of this extraordinary triumph of squatter power was formal recognition of their property arrangements.

Squatting was often fueled by propertied politicians eager to develop and exploit a colony's resources. In most colonies, politicians believed that territorial development could be accomplished only through immigration. To accomplish this goal, colonial politicians gave grants to individuals and groups to settle on undeveloped land, predicating their title on occupation and improvement. In Virginia, according to Ford, "to seat the tract meant to build a house, plant one acre, and keep stock for one year; if this were not done within three years, the land lapsed to the state." Under Massachusetts law, a settler's duties "included taking actual possession and within three years, building a house of a certain size, usually eighteen or twenty feet square, and clearing five to eight acres for mowing and tilling."

In securing the rights they hoped to achieve through such settlement policies, squatters often found the formal system too burdensome or complex. In the chaos surrounding law, land, and property, the migrants realized that if they were going to live in peace among themselves, they had to establish some sort of order, even if it had to be outside the official law. Squatters began inventing their own species of extralegal property titles known as "tomahawk rights," "cabin rights," and "corn rights."

Tomahawk rights were secured by deadening a few trees near the head of a spring and marking the bark of one or more trees with the initials of the person who made the improvement. Cabin rights and corn rights meant staking out land by building a log cabin or raising a crop of corn. Significantly, these extralegal rights were bought, sold, and transferred—just like official titles. And although such cabin or corn rights may not have legally entitled anyone to the land, there is no question that they helped avoid quarrels, were widely accepted in America's frontier communities, and became the source of legal title years later.

Free Associations

Often geographically isolated from the political and constitutional debates over property, many squatters did everything they could to secure the land they occupied. Some even paid twice for the same parcel, while others paid lawyers enormous fees to help them make their land legal. Many did not have the means to cover the costs of the official legal system, so they established their own extralegal arrangements, thus creating new avenues for accessing and holding property on the American frontier. For all practical purposes, they took the law into their own hands—and forced the legal establishment to follow their lead. It took the politicians some time before they awakened to the fact that alongside the official law, extralegal social contracts for property had taken shape, and that they constituted an essential part of the nation's property rights system. To establish a comprehensive legal system that could be enforced throughout the nation, they would have to catch up with the way people were defining, using, and distributing property rights.

Consider the claim associations that proliferated throughout the Midwest during the first half of the 19th century. These were originally formed by settlers to protect their rights against speculators or claim jumpers. Two claim clubs in Iowa, for example, agreed in their constitutions to protect each member's claims for a period of two years after the land sales. One Iowa historian noted that "when an actual settler—one who wanted land for a home and immediate occupancy ...settled on a portion of [an association's] domain, he was immediately set upon by the bloodhounds, and it was demanded of him that he either abandon the claim or pay them for what they maintained was their right." If "the settler expressed doubt to their having previously claimed their site, the [claim association] always had one or more witnesses at hand to testify to the validity of the interest they asserted."

These associations provided their own strict and primitive justice. A local minister once asked an association member what would happen if a claim jumper succeeded in buying his claims. The squatter replied, "Why, I'll kill him; and, by agreement of the settlers, I am to be protected, and if tried, no settler dare, if on the jury, find a verdict against me." More typically, however, claim associations provided at least the illusion of due process, by convening juries of fellow squatters to sit in on cases of claim jumpers. In one Iowa county, a

At the end of the 19th century, American politicians and judges had come a long way in the area of property law—and it was squatters who led them there.

claim jumper who attempted to occupy a vacant second tract owned by a member of a claim association was "within an hour" brought by "a score of earnest, angry men" before a settler jury.

Each claim association drafted its own constitution and bylaws, elected operating officers, established rules for adjudicating disputes, and established a procedure for the registration and protection of claims. Their function also extended into the official law. One association's constitution candidly describes its mission: "Whereas, we have, by the sanction of the Government become settlers on its lands, and have expended out time and money in improving them, we feel justly entitled to buy them at the regular price. And whereas there may be persons disposed to interfere with our rights, and thus create distrust, excitement, and alarm; Therefore it is Resolved, that in our case there is safety, only in Union—and a determination to settle amicably any disputes amongst us, to reciprocate concessions, and avoid every thing, that may have a tendency to create distrust and excitement—to abide explicitly by the wards of the several committees, and defend them in the discharge of the duties assigned to them." The document bears striking resemblance to the settlement contracts that squatters make throughout the Third World today.

Although members of claim associations denounced large speculators, they themselves were, as one historian points out, "small-scale speculators." The claim associations of American history were more than just a scheme to protect the homestead; they were also used to protect the *trade* in claims.

And thus claim associations helped create a new body of laws. The settlers, however, did not displace official law completely. Their extralegal arrangements served as temporary rest stops on the road to legal respectability.

Rules on the Ground

Despite the implicit acquiescence of local politicians to such arrangements, squatters still encountered a hostile world. Many constantly provoked conflict with Native Americans by invading their lands. But squatters were also a threat to the elite, who feared losing their vast properties. One member of that elite—George Washington—complained in 1783 of the "Banditti who will bidd defiance to all Authority while they are skimming and disposing of the Cream of the Country at the expense of many." But when he tried to eject the people who had squatted on his Virginia farmland, his lawyer warned that, in Ford's words, "If he succeeded in his suit against the settlers on his estate, they would probably burn his barns and fences."

Relations between states and squatters also began to heat up. Even before the Revolution, migrants from Massachusetts had already begun to settle in Maine, a territory Massachusetts had claimed as early as 1691. After the Revolution, with its treasury bankrupt and its currency depreciated, Massachusetts started seeing the vast lands of Maine as a major source of new revenue—and the squatters as an obstacle to the sale of large blocks of land. In 1786, the governor issued a proclamation prohibiting squatting in Maine.

To reassure potential purchasers, Massachusetts appointed a committee to investigate and demand payment from illegal "trespassers." Most squatters, however, simply refused to move or to pay for their lands. Rather than compromise, the state ordered sheriffs to enforce legal eviction procedures, igniting a virtual war. When a sheriff was killed trying to oust a squatter, juries refused to convict the alleged murderer. Massachusetts eventually withdrew from the fight, and Maine became a state in 1820.

Other colonies did their best to suppress squatting. In Pennsylvania, Scots-Irish settlers began moving into Indian lands as early as 1730, and the Native Americans fought back. From 1763 to 1768 the Pennsylvania Assembly tried to deter squatting by threatening the death penalty, while Gov. William Penn ordered soldiers to remove illegal settlers. Despite these measures, the number of squatters doubled. In response, writes economic historian Stanley Lebergott, "the infuriated governor then proclaimed that those settling on Indian lands would be executed. But no judges could be found for such prisoners, or compliant juries and secure lockups."

In a country where every settler was either a migrant or related to one, some colonial authorities were bound to realize how difficult it would be to apply English common law to many new settlements. Under English law, even if someone squatted mistakenly on another person's land and made improvements, he could not recover the value of what he had done. In the colonies, however, given the lack of effective government and reliable records and surveys, authorities had to accept that improvements made on land, taxes paid, and local arrangements among neighbors were also acceptable sources of property rights. As early as 1642, the colony of Virginia allowed a wrongful possessor to recover the value of any improvements from the true owner. Moreover, if the rightful owner was unwilling to reimburse the squatter for these improvements, the squatter could purchase the land at a price set by a local jury. This statute was soon copied by other colonies.

This legal innovation of allowing a settler to buy the land he had improved before it was offered for public sale was known as "preemption"—a principle that would be the key to the integration of extralegal property arrangements in American law over the next 200 years. Politicians and jurists began to interpret "improvement" in ways that heavily benefited squatters. In North Carolina and Virginia, cabin rights or corn rights counted as improvements. In Massachusetts, tomahawk rights were included. By the Revolution, the corn rights of the itinerant squatter had been transformed, in many people's minds, into the occupancy rights of the hardy pioneer. Even as George Washington was lamenting the "banditti" who had invaded his land, elsewhere in Virginia politicians were protecting squatters' extralegal titles. (For states with little money, preemption was also a source of revenue. They would charge squatters for surveying the land they had improved and for issuing legal title.)

Digging In

Having won many battles, the squatters were still far from winning the war. In 1785, Congress passed a resolution explicitly prohibiting squatting in the public domain and giving the secretary of war authority to remove unlawful settlers from federal lands in the Northwest Territory. This policy went into effect in the spring of 1785 at the juncture of the Muskingum and Ohio rivers, where the Army destroyed 10 families' homes and built a fort to prevent them from returning. Four years later, President Washington ordered the removal of families who had settled on Pennsylvania frontier land owned by Native Americans.

In the two decades after the Constitution was adopted, Congress steadfastly held to its antagonism toward settlers residing illegally on the public domain. In 1796, it raised the minimum price for public lands from the $1 per acre set in the Land Ordinance of 1785 to $2 per acre. In 1807, Congress passed a measure that provided for fines and imprisonment for any squatter who failed to comply with the law once notified, and authorized force to remove illegal settlers if necessary. An 1812 document of the House Committee on Public Lands noted, "Promiscuous and unauthorized settlement on public lands are in many respects, injurious to the public interest."

But Congress didn't understand the sheer dimension of the pressure from squatters. Nor did it have the means to impose its mandates. Even the General Land Office, established in 1812 to survey, sell, and register the public lands, could not do its job. Charged with confirming land patents sent in from the district offices, the new federal agency also had to oversee the record keeping of purchases made on credit. All these tasks soon overwhelmed its small staff, which quickly fell behind in most of their duties.

In addition, the young nation had limited financial resources and often resorted to land grants to compensate certain sectors of the population. From 1780 to 1848, Congress provided 2 million acres of land for the soldiers who fought in the Revolution, 5 million to veterans of the War of 1812, and 13 million for those who fought in the Mexican-American War. Between 1851 and 1860, Congress added another 44 million acres for those who had performed military service. By the mid-19th century, a thriving black market in land scrip emerged, fueling both squatting and speculation. For every 100 soldiers who received land scrip, 84 sold their rights in the black market.

The federal government also gave 318 million acres —almost one-fifth of all federal lands—to the new railroads crisscrossing the continent. Although much of the land was of little economic value, a sizeable portion did contain minerals or was arable. The lion's share went to the transcontinental railroads, which received only every other section of land along their routes, creating a checkerboard pattern of alternating government and railroad land. Congress believed that the railroads would sell the land they didn't need quickly and cheaply to encourage settlement. Yet once again, the realities of land settlement conflicted with the hopes of politicians. The checkerboard arrangement, according to historian Richard White, had "delayed settlement on millions of acres of the best lands and had closed them to acquisition." In certain cases it even led to open warfare between the railroad companies and settlers.

One conflict arose in 1880, in California's southern Joaquin Valley, then called Mussel Slough, when farmers and ranchers establishing themselves on railroad properties could not come to a sales agreement with the rail companies. This eventually led to a shootout in which five settlers died; the responsible marshal admitted he was "not certain who fired first." Editorializing on the incident, the *San Francisco Chronicle* condemned

Third World countries have not learned the lessons of U.S. history. Until they do, and legitimize extralegal activity, they'll remain citadels of dead capital.

the railroads: "Whatever might be their strictly legal rights, it is undeniable that all the equities were in favor of the settlers." In any case, physical force was also on the side of the settlers: Officials estimated that dislodging them would require between 200 and 1,000 good soldiers. The government's efforts to construct an orderly land system could not overcome the will of the common people to assert their right to the national domain.

The turning point came in Kentucky, where the property system, as in many states, was in complete disarray. (The new state's land claims added up to three times its area.) In 1821, the Supreme Court declared Kentucky's occupancy law—which recognized a right to land based on improvements made on it—unconstitutional. The case involved the heirs of John Green, who was a large landowner, and Richard Biddle, who had settled on Green's land illegally. The decision explicitly favored only those people who held legal title to the land they occupied. According to the court, the Kentucky law "operated unjustly and oppressively because the lawful owner is compelled to pay, not merely for the actual ameliorations in the land, not its increased value only, but the expense incurred by the occupant in making pretended improvements, whether they are merely useful or fanciful, and matter of taste or ornaments only dictated by his whim and caprice." After rehearing *Green v. Biddle*, the court reaffirmed its previous decision in 1823, emphasizing that the occupancy laws deprived "the rightful owner of the land, of the rents and profits received by the occupants."

Politicians who had been cultivating the support of their extralegal constituents lambasted *Biddle* as "most ruinous" and causing "great alarm" for Kentuckians. The Supreme Court might be oblivious to the new political and legal reality taking shape on the rapidly expanding frontier, but Western politicians only had to look out their windows to see how quickly the country was changing. Tens of thousands of hardy migrants had trudged westward from the original colonies over the Appalachians to settle on fertile, virgin lands. In 1620, there had been approximately 5,000 settlers in all of British North America. By 1860, the U.S. population was more than 30 million and counting. Fifty percent of that citizenry lived west of the Appalachians.

In the minds of many politicians and newspaper editors, the villain was now the Supreme Court. One local paper spoke of the "treacherous conduct" of justices who threatened to "exterminate" the rights of "nonresidents and aliens." In the midst of the furor over the court's authority, Kentucky's powerful Sen. Richard M. Johnson declared that the decision would lead "to much litigation where questions had been settled for years, and put everything respecting landed property into the greatest confusion." Kentucky's other senator—the even more influential Henry Clay, who generally opposed liberally extending squatter rights—conceded the point: "They build houses, plant orchards, enclose fields, cultivate the earth, and rear up families around them....In this way, thousands and tens of thousands are daily improving their circumstances and bettering their conditions." Both the governor and the state legislature joined the chorus.

In an extraordinary turn of events, even Kentucky's courts rejected the decision. In a similar case two years later, a Kentucky judge noted that *Biddle* could not be followed because the case "was decided by three only of the seven judges that composed the Supreme Court of the United States; and being the opinion of less than a majority of the judges cannot be considered as having settled a constitutional principle." In 1827, another Kentucky judge rejected *Biddle*, emphasizing that the occupying claimants law was constitutional in "cases too numerous to be quoted."

In the middle of the dispute over *Biddle*, Andrew Jackson, a vocal supporter of the pioneers, almost won the presidency. Four years later, he did become president. During his two-term administration, sympathy for the rights of squatters increased. So did public animosity toward judges and attorneys, who were perceived as eager agents of the rich and the powerful. Between 1834 and 1856, Missouri, Alabama, Arkansas, Michigan, Iowa, Mississippi, Wisconsin, Minnesota, Oregon, Kansas, and California all adopted occupancy laws similar to the Kentucky law rejected in *Green v. Biddle*. Paul Gates writes, "No case decided by the Supreme Court had been so completely overturned by state legislation and state courts, by failure of the federal courts to make

use of the case, and finally by the unchallenged act of Congress extending the coverage of federal courts to occupants."

By 1830, the 13 original states were 24, including seven in the West whose representatives in Washington were fully committed to policies favoring the squatters. To gain the support of this increasingly influential bloc, Northern and Southern states competed to show how pro-Western they were. Members of Congress began drafting legislation that helped ease the way for settlers' arrangements to be absorbed into the legal system. At its center was preemption. In 1830, a coalition of Western and Southern congressmen passed a general preemption act that applied "to every settler or occupant of the public lands...who is now in possession, and cultivated any part thereof in the year one thousand eight hundred and twenty-nine." A squatter could claim 160 acres of land, including lands he had improved, for $1.25 per acre. Payment was required before the land was set for public auction, and transfers or sales of preemptive rights were strictly forbidden.

In 1832, 1838, and 1840, Congress renewed the General Preemption Act of 1830. Each time it attempted to strengthen further the rights of the lowest squatter, while trying to block some of the abuses of the preemption principle. For instance, the 1832 act lowered the minimum amount of land a squatter had to purchase from 160 acres to 40 acres. By 1841, the preemption principle had become so firmly established that Congress enacted a general prospective preemption bill. The 1841 act covered not only existing squatters but "every person...who shall hereafter make a settlement on the public lands." The settled land had to be surveyed, but even this provision was eventually overturned.

Settled Issue

As the 19th century progressed, Congress continued to play catch-up, absorbing extralegal arrangements in official statutes. The California Gold Rush, for example, produced a rich system, organized from the bottom up, to let miners stake their claims and adjudicate disputes with other fortune-seekers. Legally, they were trespassers, since most of the land they were prospecting had hundreds of competing interests: Mexican land grants, absentee owners, rival settlers, and the absence of a federal law that could be enforced. But most politicians came to support the miners' claims, and the courts proceeded to sanction their extralegal arrangements. In 1861, a justice of the California Supreme Court commented on the legitimacy of the miners' extralegal arrangements in *Gore v. McBreyer*: "It is enough that the miners agree—whether in public meeting or after due notice—upon their local laws, and that these are recognized as the rules of the vicinage, unless some fraud be shown, or some other like cause for rejecting the laws."

At the end of the 19th century, American politicians and judges had come a long way in the area of property law—and it was the squatters who led them there. This was also true for housing: In 1862, when the celebrated Homestead Act gave 160 free acres to any settler willing to live on the land for five years and develop it, it was only sanctioning what settlers had already done by themselves. "Between 1862 and 1890," writes Richard White, "the population of the United States grew by 32 million people—but only about 2 million of them settled on the 372,649 farms claimed through the Homestead Act." By the time Congress finally approved it, the settlers already had many legal alternatives for gaining title to public lands.

The American experience is very much like what is going on today in the Third World and the formerly communist countries: The official law has not been able to keep up with popular initiative, and government has lost control. Third Worlders are organized in modern-day claim clubs, and their governments have begun to give them preemption rights.

They've done a lot else as well, not all of it consistent with the rest. In August 1999, Bangladeshi authorities demolished 50,000 shanties in the capital city of Dhaka. Where demolition is impossible, governments have built schools and sidewalks for the squatters. At the same time, they have supported microfinance programs to assist the sweatshops that are transforming residential areas into industrial zones throughout the world. They have improved the stalls of sidewalk vendors, removed hordes of drifters from their city squares and planted flowers instead, and tightened construction codes to prevent buildings from collapsing as they did in Turkey during the 1999 earthquake. They have tried to force the independent jitneys and shabby taxis that glut traffic to meet minimum safety standards; they are cracking down on theft of water and electricity, and are trying to enforce patents and copyrights. They have arrested, jailed, and executed gangsters and drug traffickers. They have tightened security measures to control the influence of extreme political sects among the uprooted multitudes.

What they have not done is craft a formal legal system that recognizes those multitudes' property rights and lets them create capital. In other words, they have not learned the lessons of U.S. history. Until they do, they'll remain citadels of dead capital.

Hernando de Soto is president of the Institute for Liberty and Democracy in Lima, Peru, and the author of The Other Path. *This article is adapted from his new book,* The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else *(Perseus).* *Copyright ©2000 by Hernando de Soto. Reprinted by permission of Perseus Publishing. All rights reserved.*

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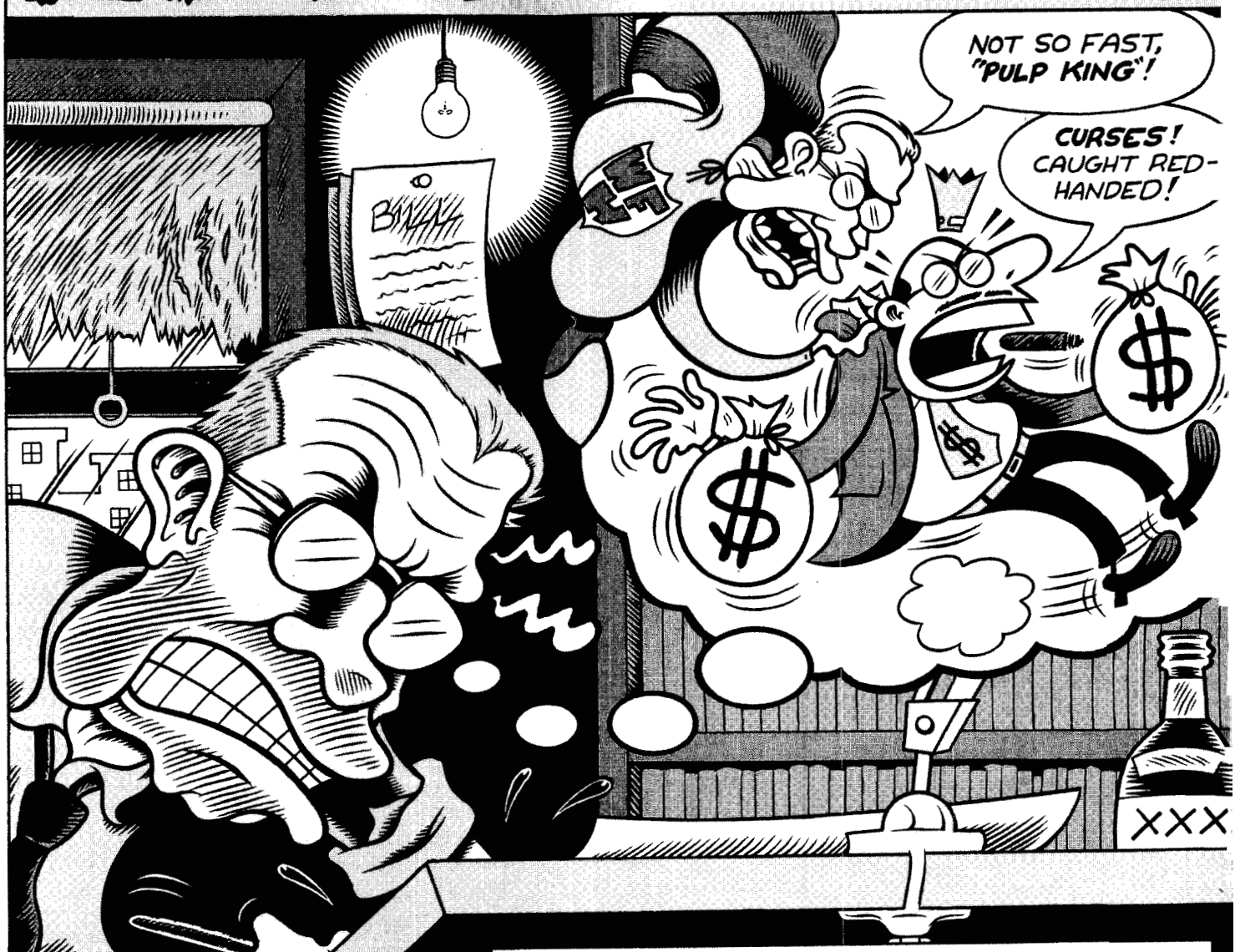

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Comics Tragedy

Is the superhero invulnerable?

By Brian Doherty

In the climactic moment of Michael Chabon's recent novel, *The Amazing Adventures of Kavalier and Clay*, a character dressed as a comic book superhero called The Escapist shuts down the Empire State Building by threatening to leap from its 86th floor observation deck. In Chris Ware's new graphic novel, *Jimmy Corrigan, The Smartest Kid on Earth*, a character in a generic superhero costume leaps to his death from a tall building before the shocked eyes of the eponymous protagonist.

In both works, the superhero—that absurdly evocative, ridiculously outfitted icon of Truth, Justice, and the American Way—takes a fall. Although the superhero defines the comic book form for many readers, imagining the death of the colorful avenger in tights warms the hearts of more than a few authors and fans who love comic books but hate the general disrepute in which they are held. The superhero and his fans are routinely figured as hopelessly puerile and possibly dangerous. But though those who would upgrade comics to Art or Literature may hate him, it could be that the superhero has given the form the energy to survive at all in a crowded and changing pop entertainment market. The superhero's decades-long dominance of the comic book—and the backlash against that fact—is a fascinating study in cultural path dependence. It also suggests how something that meets an audience need can flourish despite the contempt of the taste-making class.

Chabon's novel, which has rightly garnered much critical and commercial success, is a valentine to the struggling comic book artist, a romantic figure well known to every serious comics fan. In the 1940s, when the novel is mostly set, comic book creators were anonymous, thought of as hacks not artists, and condemned as purveyors of junk for the barely literate at best and grotesque seducers of the innocent at worst. Chabon's sweeping saga relates the life and times of two fictive superhero creators who are very loosely based on Joe Siegel and Jerry Shuster, the pair that birthed Superman, the first great comics superhero, in 1938.

The Amazing Adventures of Kavalier and Clay, by Michael Chabon, New York: Random House, $26.95

David Boring, by Daniel Clowes, New York: Pantheon Books, $24.95

Reinventing Comics, by Scott McCloud, New York: Paradox Press, $19.95

Commies, Cowboys, and Jungle Queens: Comic Books and America 1945–1954, by William W. Savage Jr., University Press of New England, $14.95 (paper)

Unbreakable, directed by M. Night Shyamalan, Touchstone Pictures

Jimmy Corrigan, The Smartest Kid on Earth, by Chris Ware, New York: Pantheon Books, $27.50

Chabon portrays Josef Kavalier and Sam Clay (nee Klayman) with love, respect, and a careful attention to period detail. Kavalier is an escapee from Prague who struggles to free the rest of his Jewish family from the Nazis; Clay is his American cousin. They team up to create a superhero, the Escapist, through whose stories Kavalier dreams of bringing freedom to his family and crushing the supervillainy of Hitler. They fast-talk a reluctant novelty salesman, Sheldon Anapol, into becoming a comics mogul. Anapol strikes it rich. The creators do OK for a while, too, until Anapol screws them over in a radio and movie deal, and they end up legally and artistically separated from their own creation.

Greedy corporations systematically cheating superhero artists out of their own creations is a recurring motif in every history of the comics industry. From the very beginning of the comics trade, artists and writers labored under "work for hire" contracts that gave publishers ownership of the characters and trademarks and full control over any ancillary uses and income derived from them. (This model broke down somewhat in the 1980s, when some companies finally made room for creator-owned properties.) In a representative instance of the relationship between artists and publishers, it was only in 1978 that DC Comics, the owners of the Superman copyright, finally coughed up small stipends to Siegel and Shuster—and even then only as an act of largess, not an acknowledgment of the creators' rights. (There has been a rash of recent lawsuits by comic creators trying to win back ownership of everyone from Captain America to Green Lantern to Josie and the Pussycats, though none has yet succeeded.)

One effect of that longstanding arrangement was that comics were thought of as essentially creatorless, the brainchildren not of artists with something meaningful to say but of cash-conscious companies trying to squeeze one more dime out of a child's sweaty palm. Hence, critics, when they deigned to notice comics at all, dismissed them as junk, an unlikely place for anything approaching serious artistic effort. Although plenty of fascinating and valuable work—both with superheroes and without—has appeared in

PETER BAGGE

comic book form, the larger critical attitude has barely changed. In percentage terms, the vast quantity of comics are certainly nonsense (though nonsense of unique vitality, because of the strangely resonant power of combined words and pictures). But unlike the novel—another form overstocked with meretricious garbage—comics as a form tend to be judged by its worst examples, not its best.

Chabon's novel is a deep and touching exploration of how such a situation alienates and demeans a creator, even of something as seemingly silly (though massively popular) as Kavalier and Clay's Escapist. By his sophisticated and detailed explorations of the inner lives of Kavalier and Clay and how they translated their experiences and obsessions into their characters, Chabon, while not writing a comic book per se, offers a large measure of dignity to the makers of that much-derided art.

It is not surprising then, that in his "Author's Note," the acclaimed writer of such highly literary novels as *The Mysteries of Pittsburgh* and *Wonder Boys* writes, "I want to acknowledge the deep debt I owe in this and everything else I've ever written to the work of the late Jack Kirby, the King of Comics." Even more than Siegel and Shuster—who at least got credit lines and a stipend—Kirby is the poster boy for the mistreated comic book genius. The co-creator of Captain America, the Fantastic Four, the X-Men, and the Hulk (and possibly many more, depending on the source), Kirby, who died in 1994, was never given full credit—much less what most would consider fair compensation—for his contribution to the field. His mythic imagination and the sheer power of his linework and composition remain unparalleled in comics.

Adult Books?

Both Chabon and Chris Ware, a cutting-edge comics wunderkind whose work is published by the hip independent comics company Fantagraphics, play with the superhero motif while not themselves writing "superhero" stories. That is, their stories are not set in a world of super-powered beings who wear costumes and fight crime. Rather, they are about the people who imagine such worlds. This metafictional remove may be precisely why their works can be widely accepted as artistic, as a step above comic books.

Very occasionally, comic books do connect with a more respectable audience, but usually as a one-shot phenomenon that says nothing about more general acceptance of the medium. *Maus*, the graphic novel by Art Spiegelman that won him a Pulitzer Prize in 1992, is the most successful example. An autobiographical tale of the artist's relationship with his Holocaust-survivor father, all of *Maus*' characters are drawn as animals. Spiegelman avoided the silly superhero, but embraced the second-most-popular comic art trope: the anthropomorphized animal. He seems to recognize, as other serious comic artists have, that perhaps it is the seemingly childish, but unique, iconographies of comics that give them power. (Spiegelman can't escape superheroes either: His latest project is an off-Broadway musical about a superhero creator victimized by a ruthless comics company.)

The superhero's dominance of the comic book is a fascinating study in cultural path dependence.

To aficionados serious about the possibilities for artistic greatness within the comic form, both the general cultural condescension toward them and the loss of 50 percent of the industry's yearly revenue during the '90s are too much to bear. (In the early '90s, some individual titles sold 1 million copies an issue—now selling 100,000 is considered a great success.) A revolution against both popular and highbrow prejudices is in order. Scott McCloud, the formerly obscure creator of the '80s superhero comic *Zot!*, is the firebrand of this revolution. He's garnered an audience outside comic fandom with two clever books about the history, grammar, and possibilities of comics. He writes passionately and convincingly of the uniquely evocative power of cartoon images mixed with words and placed in sequence. His books are literal demonstrations of his point: Rather than writing traditional essays on the history, theory, and practice of joining words and pictures, McCloud makes his case mostly by using cartoon images of himself speaking.

Understanding Comics (1993) became a cult-intellectual hit and put McCloud on the academic lecture circuit. In a new sequel, *Reinventing Comics*, McCloud cheerleads for a comics universe bigger and more varied than we see now. He wants more women and minorities in the field, more formal innovations, and a greater reliance on digital distribution. But first, comics creators and fans must dethrone the superhero comic, "a genre tailor-made for adolescent boys," says McCloud.

But in discussing the possibilities of a glorious, cornucopian future for comics, McCloud must address the obvious question: If comics have such unlimited potential as a serious art form, why are so damned many of them dominated by heavily muscled men (and the occasional woman) in tights engaging in fisticuffs? The standard history posits that superheroes began dominating the form because greedy businessmen saw Superman's success in the late '30s and fell over one another in the rush to cash in. After World War II, the superhero no longer conquered all opposition. Many overarching sociological reasons have been proffered by comics historians—that the need for stories of conquering heroes faded with Hitler's villainy vanquished, for instance—though none is completely convincing. Whatever the reasons, crime, Western, jungle, horror, funny animal, and teen comedy comic books did in fact became increasingly popular after the war. A thousand four-colored flowers were a-bloom, and comics had the genre diversity, if not the aesthetic maturity, that McCloud craves.

Then, in the mid-1950s, the increasing gruesomeness of the crime and horror comics raised the hackles of censors both within the government and without. Sen. Estes Kefauver, head of the Senate Judiciary Subcommittee on Juvenile Delin-

quency, held hearings on the "threat" posed by comics to decent society, most memorably grilling William Gaines, the head of EC Comics, whose horror line was particularly lurid. Famously, Gaines was reduced to defending a cover depicting someone brandishing a decapitated head by effectively saying, Hey, it didn't show *that* much dripping blood.

After those hearings, the comics industry adopted the Comics Code, an act of "self-regulation" designed to stave off actual government censorship. But the price, goes the standard history, was a high one: Comics were doomed to perpetual childishness.

In fact, mass-market comics were not, by any real evidence, on a path toward Shakespearean grandeur before the banal Code stopped such progress. See, for examples, William W. Savage Jr.'s entertaining *Commies, Cowboys and Jungle Queens,* which reprints representative examples of pre-Code comics and analyzes what they reveal of the post-war American psyche. In Savage's reading, they mostly exude anxiety about the Bomb, Soviet subversives, outsiders of various sorts, racism, and drugs. The war, spy, and jungle stories he reprints don't seem like an art form on the verge of greatness. If anything, they're just fershluggener pop silliness that proves non-superhero comics can be as inane as men in tights at their dumbest. Still, for all that, these crude works have a power that fascinates middle-aged academics as much as wide-eyed kids in the candy store decades ago.

The Submerged Superhero

In the wake of the Code's adoption, goes the standard history, mainstream comics publishers played it safe by sanitizing their superheroes (Batman was rarely left alone with Robin anymore) and rarely wandering into topics and genres that might cause controversy. By the early 1970s, after Marvel comics had revamped and repopularized the superhero for a decade, that genre had established a virtual monopoly on mainstream comic books (though a lively "underground" of often drug-inspired counterculture humor existed). The superhero rules to this day, at least among comics publishers with titles that regularly sell in the tens of thousands of issues. So McCloud and others who hope for an expanded range of possibilities seem to have ample reason to gripe.

Yet in many ways, McCloud has already gotten what he wants. There are, and have been for at least 15 or 20 years, many non-superhero comics around, mostly from smaller independent presses. The problem is, hardly anyone wants to buy them. The creators and their champions tend to blame the association of comics with superheroes for that relative market failure. Certainly it doesn't help that, over the past two decades and for a variety of reasons, comics have mostly been sold only in specialty stores. Not only does such a situation tend to reinforce the idea of comic books as marginal and slightly perverse, but the shops help create a subcultural insularity among comics fans, and, as important, limits the means by which new readers once entered the world of comics. The old spinner racks that announced "Hey, Kids! Comics!" have largely disappeared from convenience stores, drug stores, and the like.

The superhero's dominance of the form goes even deeper than one might expect. Even Chris Ware's *Jimmy Corrigan* and Daniel Clowes' *David Boring,* two recent comic book "novels" published by reputable New York literary house Pantheon and intended for mature audiences, are heavily indebted to men in tights. These are serious works about enduring human concerns; they're not mere blood-and-thunder adventure tales of square-jawed, Never-Never Landers slugging it out with poorly motivated cardboard villains. Yet neither breaks entirely free of the superhero trope. If anything, they are consciously energized by it.

Jimmy Corrigan is a multi-leveled tale of four generations of American losers (three of them named Jimmy Corrigan), trapped in emotional prisons of their own making. The youngest Jimmy's life, and those of his father, grandfather, and great-grandfather, are chronicled in 380 densely designed and marvelously depressing pages, most of which appeared originally in the Chicago alternative weekly *New City* and the Fantagraphics comic book *The Acme Novelty Library.*

In a mordant four-page opening sequence, the last Jimmy Corrigan is taken by his mother to a car show where he watches the actor who stars as "Super-Man" on TV. (His costume is not the same as Clark Kent's alter ego.) The actor ends up coming home with Jimmy and his mother, and sleeping with the latter. He gives Jimmy his mask as he slips out early the next morning, before the mother wakes up. She stumbles into the kitchen, to see her young son wearing her lover's mask. "**Mom!**" Jimmy announces, "He said to tell you he had a **real good time!**" With this weird parody of the primal scene, the "Super-Man" character casts a shadow over the work, both as a symbol of Jimmy's hopeless quest for an honorable, admirable, loving, and powerful father figure, and as a source of cruel humor.

David Boring is a mysterious yet strangely funny meditation on the nature of narrative, explored through an affectless young man's obsessive search for a woman to be obsessed with. Like *Jimmy Corrigan, David Boring* concerns sons, lost fathers, and superheroes. Themes of the nature of narrative vs. real life unfold underneath *Boring*'s phantasmagoric events, which include murder, incest, and an offstage apocalyptic war. Yet the narrative is strangely calm, and the characters often make telling references to seeing life as a movie or story. Within the context of what the reader knows is a comic book, this could be seen as slyly welcoming the comic book within the canon of acceptable storytelling forms, as valid as a novel or movie.

The mixed figure of the father/superhero is central here, too. David Boring's father, whom he never knew, was a comic book artist. David totemically carries around a copy of the one comic by his father he owns, a *Yellow Streak Annual.* (The Yellow Streak is a costumed crime-buster.) Disconnected images from that comic-within-a-comic hint obliquely at themes in David's own story. It's as if Clowes is saying one can't read *any* comic book narrative without the ever-present undercurrent of the superhero concept in the reader's mind.

The superhero as a replacement for an absent or failed father also makes an appearance in Chabon's *Kavalier and Clay.* Sam Clay is brought before the Kefauver Commission to discuss the supposed link between comic books and juvenile delinquency. He is confronted with accusations

that the superhero's young sidekick represents a homosexual fantasy. (The charge comes from comic books' greatest arch-enemy, psychiatrist Fredric Wertham, whose 1954 book, *Seduction of the Innocent*, is an unintentionally hilarious and lamentably long-out-of-print screed against the form.) Clay, himself gay and troubled by that fact, thinks to himself that it isn't a gay love relationship that the hero-sidekick dyad represents to young comic book readers in the '40s. It is the fantasy of a healthy, loving, dedicated father-son relationship in a time—during World War II and afterwards—when American children were largely apt to lack it.

The father/superhero figure may well be part of the superhero's enduring appeal, especially among adolescent boys—an image of a heroic father figure who is not only able to leap tall buildings in a single bound, but someone to pal around with between adventures. Such a fantasy may seem unbearably childish; it is, in fact, merely human and underwrites any number of universally acclaimed novels. Literature mavens may groan, but doubtless more people worldwide have been moved by Bruce Wayne's relationship with the orphaned Dick Grayson than have been touched by Holden Caulfield's search for a responsive father figure.

Heroes Unlimited

Superheroes infect the imagination of more than just comic book artists. It's a cultural conceit that can be found in all manner of creative expression—from rock videos (such as 3 Doors Down's recent song "Kryptonite," which features aged superheroes on one last mission) to literary short stories in *The Atlantic*. ("Super-assassin" by Lysley A. Tenorio, from the October 2000 issue, is about a comic-

William Marston's Secret Identity

The strange private life of Wonder Woman's creator

By Nick Gillespie

From their inception, comic books, like other forms of mass entertainment, have had detractors. None is more famous—or more fondly remembered—than Fredric Wertham, the child psychiatrist and author of *Seduction of the Innocent*, who charged that comic books turned their readers into juvenile delinquents and sexual deviants. If Wertham, who died in 1981, hadn't existed, he would have surely been invented by a clever satirist looking for a sex-obsessed, puritanical foil.

A true arch-enemy of the form, Wertham's critique of comics went beyond criminological concerns: Comics didn't just pervert children, you see, but ruined their ability to appreciate fine literature and art later on in life. He argued that tales about Batman—not to mention *Tales from the Crypt*—were like heavily seasoned food that destroyed young aesthetic palates before they could be trained to appreciate delicate, refined fare. Shakespeare, he fretted, just couldn't follow Superman.

If Wertham was the Lex Luthor of comics, hell-bent on their total annihilation, then William Moulton Marston was their Man of Steel, dedicated to championing their cause. Marston was a Harvard-trained psychologist who had a law degree to go along with his Ph.D. In the '20s and '30s, Marston was best known as a tireless advocate of the polygraph—he developed an early lie detector machine—and he lobbied unsuccessfully for its use in the courts.

Marston, a Harvard Ph.D., created the first female superhero, an Amazon princess who helped the Allies win the war and sought romance on the side.

Never one to slough off publicity, Marston even appeared in a 1938 Gillette razor blade advertisement that used a lie detector test to discover men's "true" feelings about various shaving aids. (The "scientific shaving tests," which measured subjects' subconscious reactions, overwhelmingly found that Gillette blades minimized the subtle "emotional disturbances" caused by competitors' products.)

In 1941, under the pseudonym Charles Moulton, Marston created the first great female comic book hero, Wonder Woman, a displaced Amazon princess who helped the Allies defeat the Axis Powers while seeking romance on the side. (Unsurprisingly, Wertham was appalled by the character, which he denounced for its "lesbian overtones.") Unlike most intellectuals, Marston celebrated the popularity of the comic book form and saw it as an opportunity to get kids to read—and to circulate radical feminist notions. Writing in Phi Beta Kappa's journal, *The American Scholar*, in the early '40s, he noted: "It's too bad for us 'literary' enthusiasts, but it's the truth nevertheless—pictures tell any story more effectively than words....If children will read comics...why isn't it advisable to give them some constructive comics to read?"

For Marston, the most "constructive" comics were those that laid the groundwork for what he insisted was the coming age of "American matriarchy" in which "women would take over the rule of the country, politically and economically."

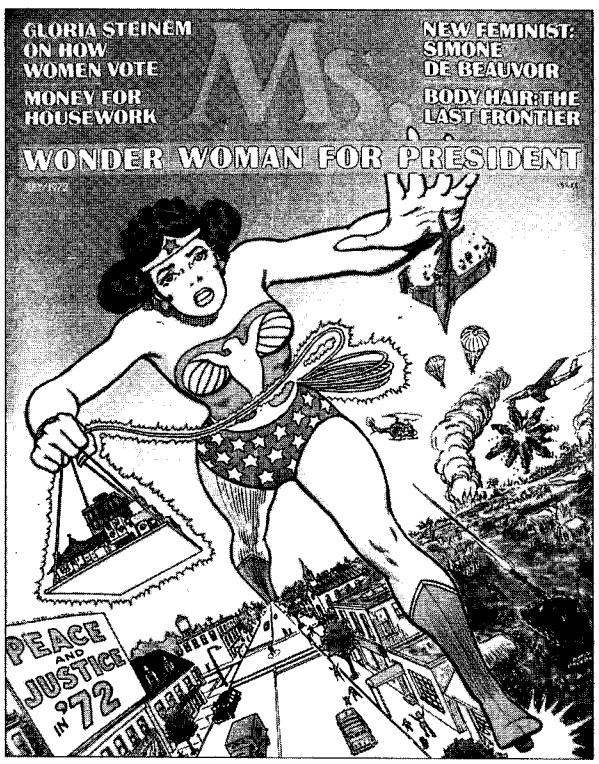
As Les Daniels recounts in the fully enjoyable and always fascinating new book, *Wonder Woman: The Complete*

book-obsessed kid who starts to injure people in the name of justice.) The superhero motif regularly fuels big-money Hollywood summer extravaganzas, from 1978's *Superman* to 1989's *Batman* (both of which gave rise to a series of increasingly absurd and shoddy sequels) to 2000's *X-Men* to this summer's *Spider-Man.*

Last December, M. Night Shyamalan, a film director known both as a box office God and an accomplished auteur after the commercial and critical success of *The Sixth Sense,* essayed the superhero trope in a quieter way—so quiet that the movie's ad campaign sloughed over the film's main idea entirely. Shyamalan's *Unbreakable* tells a classic comic book superhero origin story: What happens to a real man when he discovers, through the intersection of a horrible accident and the intrusions of a mysterious stranger who happens to be a comic book fanatic, that he might have powers far beyond those of mortal men?

Bruce Willis, under the unwanted prodding of Samuel Jackson as the comics fan, gradually becomes a vigilante. Both the futility and glory of such acts in a brutally real world are played out in a straightforward and intelligent way. Shyamalan, like others before him, suggests there is something about obsession with comic books that can lead to twisted behavior, especially if the fan tries to apply comic book scenarios of heroism and justice to the real world.

Shyamalan uses more realistic storytelling than is typical in comic books to relate his superhero tale. There is more focus on the hero's relationship with his family, more concern for the real-world legal and ethical implications of a vigilante beating up criminals. Playing with how the superhero idea might work in something more closely resembling our real world has


GLORIA STEINEM ON HOW WOMEN VOTE
MONEY FOR HOUSEWORK
NEW FEMINIST: SIMONE DE BEAUVOIR
BODY HAIR: THE LAST FRONTIER
WONDER WOMAN FOR PRESIDENT
PEACE AND JUSTICE IN '72

History (Chronicle Books): "Marston believed women were less susceptible than men to the negative traits of aggression and acquisitiveness, and could come to control the comparatively unruly male sex by alluring them....He was convinced that as political and economic equality became a reality women could and would use sexual enslavement to achieve domination over men, who would happily submit to their loving authority."

Such notions, suggests Daniels, help explain some of Wonder Woman's crime-fighting accoutrements, especially her "magic lasso" that—shades of a lie detector!—forces men to tell the truth, the whole truth, and nothing but the truth.

Marston's personal life was every bit as unconventional as his ideas about matriarchy; if nothing else, the details make one wonder about his fixation on liberated women. In 1915, the same year he graduated from Harvard, Marston married a Mt. Holyoke grad named Elizabeth Holloway, who went on to earn an M.A. and law degree, and to assist him in his psychological research. In the late '20s, when teaching at Tufts University, Marston met a student named Olive Richard, who moved in with him and his wife.

Marston had two children by each woman and he and his wife formally adopted his children by Richard. "It was an arrangement where they [all] lived together fairly harmoniously," one of Marston's sons told Daniels. A business associate vouched for Marston's offbeat arrangement, remembering him as "the most remarkable host, with a lovely bunch of kids from different wives...all living together like one big family—everybody very happy and all good, decent people."

Whether Marston's feminist utopia, which Daniels calls "simultaneously daring and touchingly naive," has come to pass, his contribution to popular culture has endured. By the time of his death in 1947, Wonder Woman was already a household name (and a cottage industry), appearing in various comic books and newspaper strips; she remains a vibrant part of popular culture, whether as a feminist icon, the hero of a campy late-'70s action-adventure show, or the subject of *Strength of Will,* a graphic novel by Alex Ross coming this fall from DC Comics.

Marston made at least one other contribution to popular culture that, while perhaps less eye-catching than his full-figured, superpowered Amazon, is no less significant.

In influential venues as diverse as *The American Scholar* and *Family Circle,* he anticipated, in what might charitably be called comic book prose, much that is taken for granted among contemporary scholars of cultural studies. He argued that mass forms such as comics deserve something other than opprobrium and scorn—and he suggested that like other, more accepted forms of creative expression, comics can sometimes touch "the tender spots of universal human desires and aspirations ...[and] speak to the innermost ears of the wishful self."

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been common even in comic books since the mid-'80s, when it was done to spectacular effect by Alan Moore and Dave Gibbons in the DC series, *Watchmen*. Even Scott McCloud praised *Watchmen* for "breaking nearly every one of the tried and true rules." But however sophisticated an adventure story *Watchmen* was, in terms of audience expansion it was a dead-end. "Sophisticated" superhero comics remain insular works whose resonance relies greatly on a previous understanding and interest in the comic book medium. One most enjoys seeing conventions subverted when one understands the conventions. Indeed, this may help explain why *Unbreakable* didn't match the popular success of *The Sixth Sense*. *The Sixth Sense* played with the conventions of horror and psychological thrillers and was hence far more accessible to moviegoers.

This doesn't mean work dedicated to playing with aesthetic convention is necessarily aesthetically inferior—great novels from *Don Quixote* to *Madame Bovary*, for instance, do precisely this. Different communities of readers always understand things differently; comic book fans will appreciate *Kavalier and Clay* and *Unbreakable* (and *Jimmy Corrigan* and *David Boring*) in ways that non-fans won't. Those acquainted with or obsessive about details of a form's history will always see things others won't. And artists of serious comic book stories, like Ware and Clowes, are probably inspired to use the superhero as a postmodernist metacommentary on their own form—and also because, as comic artists, they doubtless have that idea infecting their imagination.

Which suggests the real reason comics haven't yet escaped the artistic ghetto that McCloud decries: Anyone who even aspires to being a comics artist in an American context will by necessity have been steeped in the superhero motif. Ultimately, McCloud's argument about superhero dominance is similar to what economists call a path-dependence argument, by which "inferior" products are believed to sometimes wrongly rise to dominance in a given market. McCloud grants that the dominance of comics by *a* single genre might have been inevitable, but stresses that it didn't have to be the superhero genre. That, he contends, is simply a lamentable historical accident. This line of thinking suggests that the triumph of the superhero over, say, the funny animal comic, is not so different from the way QWERTY keyboards or VHS videotapes won out over superior alternatives.

But there is something suspicious about using path-dependence arguments to say that things ought to be different than they are, and are only that way because of a circumstantial lock-in of a supposedly inferior product. As economists Stan Liebowitz and Stephen E. Margolis have shown, claims that a dominant product does not deserve its market position are often self-interested and fail to appreciate the ways in which a castigated product serves consumers. For instance, the source of the idea that the QWERTY keyboard is inefficient was the creator of a rival keyboard (who used spurious studies to bolster his case); QWERTY critics also routinely fail to ask whether the relative benefits of switching to a new keyboard are worth the effort.

So it is with the superhero comic. Indeed, in this case, one might add something more to the mix: Far from choking off the vitality of the comic book, superheroes may be precisely that which has kept the form alive, albeit on a smaller scale than decades ago. Look at the fate of another form of pop entertainment that, along with comics, had a huge following in the 1940s: radio drama. There was no one unique thing that it provided better than any other art form, and it died.

Though McCloud tries to deny it, the serialized superhero comic provides something unique, something that other art forms can't quite match, even when they try to. (Few familiar with both the comic book and film *Batman* would disagree that the former is more dramatically satisfying.) As one of the publishers in *Kavalier and Clay* puts it while looking at Kavalier's crazily eye-catching art, "Half bad is maybe better than beauteeful." Such an inexacting but heartfelt standard may be key to superhero comics' unique value and long-lasting appeal: They are attractive and inspire passion because they provide a structurally *different* kind of aesthetic/storytelling experience than other, more respected storytelling forms.

The sort of non-superhero comics for which McCloud cheerleads do exist, and can be found in most comic shops (and even in many megabookstores). The market has made room for them. It's just that no one seems to want them on the same scale they want Spider-Man or Superman. Despite a solid audience, no huge popular fan base is crying, "Make Mine McCloud!"

The Enduring Superman

Both Michael Chabon and Chris Ware showcase the image of the superhero falling to his death. Are they wishing for the death of the icon that so dominates the form they clearly love? Or are they infusing the superhero with a new power, to move adult readers' hearts and minds? At the very least, Chabon has proven that comic books can inspire what virtually anyone would grant is true art, an imaginative reflection of deep human concerns and experiences.

Since its birth, the superhero has been seen as a symbol of America's innocent vitality, of its barely repressed sexual confusion, and of its incipient fascism. It has been the vehicle for sui generis American geniuses such as Jack "King" Kirby and for numerous anonymous hacks. The superhero comic can be incandescently great and grimily idiotic, but even at its worst, it playfully evokes a wonder-inducing sense of fantastic human invention, of a fertile reworking of eternally appealing myths of beings with powers far beyond those of mortal men.

Chabon's novel and other works discussed here show that there is a rich vein of pathos and insight to be mined from the gold first discovered by Siegel and Shuster. As an American icon, the comic book superhero shares some of the legendary values of the nation of its birth—he is brash, energetic, wildly imaginative, unbound by Old World standards of propriety and gentility.

It will probably turn out, to the consternation of McCloud, that comics, even if they are freed from the shackles of superherodom, will remain a niche market, a weird little sub-eddy in the ocean of popular entertainment. As the very necessity of a book called *Understanding Comics* admits, many perfectly literate adults just can't grasp comics storytelling—they literally don't know how to read them, aren't versed in the grammar. There may be no

explosive renaissance ahead for comics; they are unlikely to dominate cultural production the way the novel did in the 19th century or film did in the 20th. But artists like Ware and Clowes will continue to do fascinating work, and their audiences will find it, even if it doesn't conquer all. And the caped shadow of the superhero will doubtless, in various ways, continue hanging over comics for a long time to come.

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Shrink Control

The limits of a psychiatrist's skepticism

By Jacob Sullum

Just when you thought that Bill Maher's insipid talk show had given political incorrectness a bad name, along comes Sally Satel to redeem the concept. She is only partly successful.

It doesn't help that Satel's publisher treats political correctness as if it were a new concept. The cover of her book refers to it twice, and even though the subtitle tells you what *PC* stands for, *olitically* and *orrect* have been inserted in small type next to the *P* and *C* in the title. Someone at Basic Books clearly was worried that browsers would mistake *PC, M.D.* for a science fiction novel about a computer that prescribes antibiotics.

The cover, of course, is not Satel's fault. But what's inside—a psychiatrist's warning about the corruption of medicine by ideology—sometimes leaves readers wondering how meaningful it is to call Satel's opponents politically correct. The phrase was originally used by leftist academics to describe people who shared their political outlook, a perspective that emphasized the grievances of oppressed groups and the collective guilt of white heterosexual men. By the late 1980s, *politically correct* had become a term of derision, referring to the stifling intellectual atmosphere that prevailed on campuses dominated by former '60s radicals and to "progressive" standards of speech and behavior emanating from the academy.

Much of what Satel attacks in *PC, M.D.* —for example, the assumption that differences in health between whites and blacks must be due to racism—is reminiscent of ideas criticized in books ranging from Dinesh D'Souza's *Illiberal Education* to Alan Charles Kors and Harvey Silverglate's *The Shadow University.* But while the professors and administrators described in those books rein in dissenting students and faculty members through stigma, re-education, and Kafkaesque disciplinary proceedings, many of Satel's targets are gadflies rather than Torquemadas, challenging orthodoxy rather than enforcing it. Dismissing their concerns, Satel ends up defending authoritarian policies that go beyond anything practiced even at the most intolerant universities.

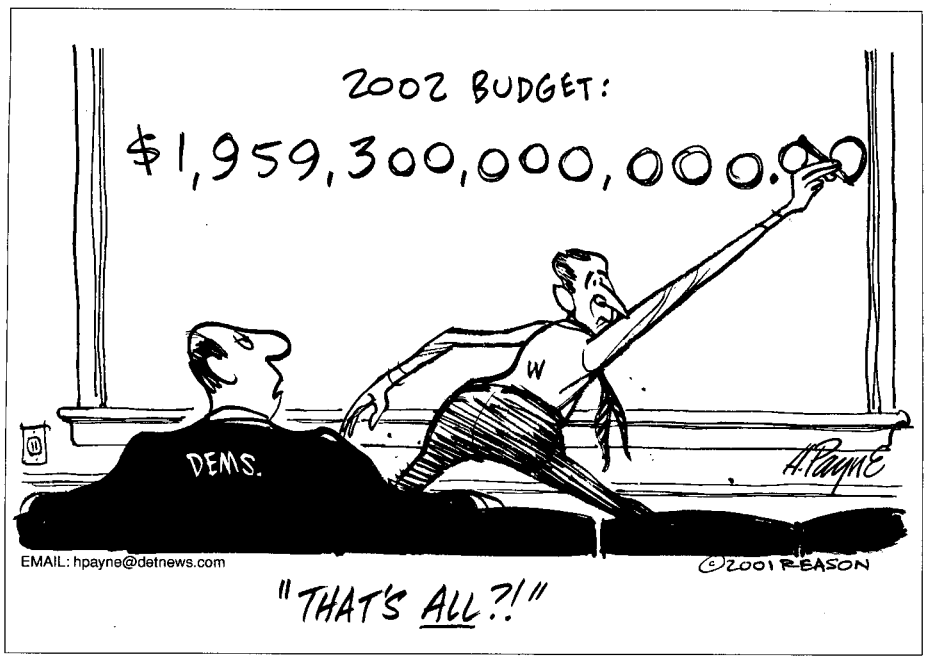
PC, M.D.: How Political Correctness Is Corrupting Medicine, by Sally Satel, New York: Basic Books, 285 pages, $27

Satel, a fellow of the American Enterprise Institute and a lecturer at the Yale University School of Medicine, is most persuasive as the voice of calm reason, dissecting the abuse of science for ideological purposes. Some feminist critics of conventional medicine, for example, promote "therapeutic touch," a form of quackery that has gained acceptance at many nursing schools. The technique involves waving your hands a few inches from the patient's body to adjust his "human energy field." Satel's debunking of therapeutic touch goes beyond a rhetorical eye roll. She discusses the technique's appeal (which includes the close, prolonged attention it entails), the relevance of the placebo effect, and the potential harm of steering patients away from other therapies. Satel does not reject out of hand the possibility that there might be something to learn from alternative medicine, but she insists that its remedies be held to rigorous scientific standards.

Satel is similarly careful and thorough when she considers racial differences in disease and mortality rates. She shows that many factors need to be considered before any part of these gaps can reasonably be attributed to discrimination, whether by doctors or by society in general. She is likewise skeptical of claims that women are at a systematic disadvantage, both as patients and as health professionals, because of their sex. In both cases, Satel acknowledges historical grounds for such suspicions, including the infamous Tuskegee Syphilis Study and the casual prescription of hysterectomies. But she argues convincingly that continuing to focus on race and gender obscures the dramatic progress that has been made in the last several decades. This preoccupation with oppression is also apparent in the psychotherapeutic approaches that Satel criticizes, which assume that people's problems are rooted in their status as members of disadvantaged groups.

With her chapter on psychotherapy, Satel ventures beyond her avowed focus on medicine, but she is still dealing with a profession where politics ordinarily plays no obvious role. Not so with public health, which sits at the intersection between epidemiology and government. Politics cannot be eliminated from public health any more than it can be eliminated from public finance. Since defining the field's parameters helps define the scope of appropriate state action, Satel is rightly worried about efforts to equate public health with "social justice."

According to "social production of disease" theory, capitalism makes people sick: In a market economy, the poor are unhealthy not only because they lack the means to live comfortably and obtain good medical care but because they suffer the stress of knowing that others are wealthier. "Even if those living on the lowest rung of the social ladder had sufficient material resources," says a physician quoted by Satel, "their health would still suffer because they are deprived relative to others." The solution is the usual set of welfare programs and income redistribution



schemes, this time justified as public health measures.

As Satel notes, there is a well-established link between higher income and better health. But that does not mean that poor people cannot improve their health by taking better care of themselves. Furthermore, if "wealthier is healthier," the question becomes how best to promote prosperity. The "social production" theorists cited by Satel are trying to disguise an economic question as a public health issue. And since they view inequality, not just poverty, as a source of ill health, their approach apparently requires a sweeping reorganization of society.

Less dramatically, the American Public Health Association routinely takes positions on political issues that are far afield from disease control: against aid to the *contras*, for "a nuclear-weapon-free world," against welfare reform, for tighter restrictions on campaign contributions, and so on. Satel thinks public health specialists should stay away from politics (in their professional capacities, at least) and stick to their proper mission. But she's rather vague as to what that is. In particular, although she mentions cigarette smoking as an appropriate target of public health measures, she does not address the field's shift from fighting communicable diseases to discouraging risky behavior. While there is a nearly indisputable case for government intervention against deadly microbes that move from person to person, the same cannot be said for state efforts to stop people from smoking, drinking, overeating, keeping guns in the house, or driving with their seat belts unbuckled. Furthermore, the choice of which risks to target (why motorcycle riding, say, but not skiing) is a political judgment disguised as a scientific one—the sort of pretense Satel decries in other contexts.

While Satel does not explicitly defend paternalism in the name of public health, she has little patience for critics of paternalism in the name of psychiatry. In a chapter titled "Lunatics Take Over the Asylum," she attacks "psychiatric survivors" (a.k.a. "consumer-survivors")—activists who feel they've been wronged by the mental health system. "Psychiatric diagnoses, consumer-survivors argue, do not exist as fixed and defined entities," Satel writes. "They are socially constructed and exist merely in the eyes of the beholders—namely psychiatrists and other members of the dominant culture." She seems to consider this contention so obviously absurd that it is not worth refuting.

Yet elsewhere in the book Satel unintentionally provides evidence that the psychiatric survivors are at least partly right. In her discussion of victim-oriented psychotherapy, she argues that "multiple personality disorder" is overdiagnosed, and she cites one expert who "is skeptical that the personality condition exists at all except as an artifact of the therapist's suggestion." So here is a condition listed in the *Diagnostic and Statistical Manual of Mental Disorders*, one that psychiatrists presumably continue to diagnose, that may well be a figment of their (and their patients') imaginations. That sounds pretty "socially constructed" to me.

In the same chapter where Satel casts doubt on the existence of multiple personality disorder, she uncritically accepts "borderline personality disorder," which she describes as "a condition marked by volatile relationships, poor impulse control and enormous swings in self-regard, from grandiosity to self-loathing." One reason she considers "BPD" more genuine than multiple personality disorder may be that she finds it useful in explaining the behavior of the therapists and activists she's criticizing (some of whom apply the label to themselves). And surely this "diagnosis" does apply to some people, in the sense that it accurately describes their behavior. But is it a disease? Satel, like psychiatrists in general, is hazy on this point, saying that people with borderline personality disorder "sit on the diagnostic border between psychotic and neurotic." Hence the name.

In the case of people who are forcibly subjected to psychiatric treatment, Satel does claim there is something wrong with their brains that makes them incapable of looking after their own interests. "The point of imposing treatment is to help patients attain autonomy, to help them break out of the figurative straightjacket binding thought and will," she writes. "So many people with untreated schizophrenia become incapable of facing even the modest challenges of ordinary life, much less exercising their rights as individuals. Being required to take medication is hardly a violation of the civil rights of a person who is too ill to exercise free will in the first place. The freedom to be psychotic is not freedom."

Satel does not explain how psychiatrists determine when someone is "too ill to exercise free will"—an important issue, since that judgment can transform a patient into a prisoner. What is the diagnostic test for schizophrenia? If it is simply a matter of observing what someone says and does, how is this "psychosis" different

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in kind from an overdiagnosed (and possibly nonexistent) "neurosis" such as multiple personality disorder? And if schizophrenia truly is a brain disease, like Alzheimer's or Parkinson's, why is it treated by psychiatrists rather than neurologists? Why is there no need for a competency hearing before the patient is deprived of his freedom?

Critics such as Thomas Szasz have been raising questions like these for many years, and Satel surely is aware of them. Perhaps she has satisfying answers. If so, it would have been appropriate to share them before rejecting the complaints of people who object to their confinement and involuntary treatment at the hands of psychiatrists. It will not do to admit past abuses while insisting that things are much better now, since coercion remains a central aspect of psychiatry. Nor can Satel neutralize the complaints of the psychiatric survivors by observing that "not all psychiatric patients oppose involuntary treatment" and offering a few examples of people who are thankful for the forcible interventions they credit with saving them. Psychiatrists cannot know ahead of time who will be grateful after the fact, and the satisfied patients cannot give consent on behalf of the aggrieved.

Satel tries a similar approach in her defense of involuntary drug treatment, citing former addicts who are glad they were forced to get their lives in order. But here she is on even trickier ground, because she does not want to argue that addiction, like schizophrenia, is an illness that overwhelms free will. "Almost all addicts are capable of reflection and purposeful behavior for some, perhaps a good deal, of the time," she writes. "This potential for self-control permits society to entertain and enforce expectations of addicts that would never be possible for someone who had a *real* chronic and relapsing brain disease—for example, multiple sclerosis, epilepsy or schizophrenia....The legitimacy of such demands would encourage a range of policy and therapeutic options, using consequences and coercion, that are incompatible with the idea of a no-fault brain disease." So while coercing the schizophrenic is justified because he can't control his behavior, coercing the addict is justified because he can. Got that?

In Satel's view, it's necessary to forcibly stop people from using drugs because otherwise they might choose to continue. "Addicts are notoriously poor self-disciplinarians," she writes. "Most are extremely ambivalent about giving up drugs, in spite of all the damage drugs have caused them. Addicts' problems of self-governance demand that a rehabilitative regime include limit-setting, consistency and sometimes physical containment." Tellingly, Satel conflates coercion with "external forces such as employment demands, social relationships or financial conflicts." To her mind, apparently, there is no distinction between an addict who stops using drugs because he's threatened with jail and an addict who stops using drugs because he attaches more value to his job, his friends and family, or his money. If so, Satel ought to support involuntary treatment for alcoholics as well as illegal drug users.

Satel ends up defending authoritarian policies that go beyond anything practiced even at the most intolerant universities.

Satel's discussion of women who use cocaine during pregnancy also suggests a double standard. To her credit, she concedes that the scare stories about "crack babies" that got so much play in the late 1980s have proven to be largely unfounded. "In the mid-1990s better studies began to appear," she writes. "They documented that while prenatal crack exposure per se did not lead to severe mental deficits and uncontrollable behavior, as originally feared, cocaine did have a discernible, if subtle, effect on the central nervous system in many children." One review of the research estimated that "children whose mothers used cocaine had IQs measuring three points lower than those of other children." Whether this gap is actually caused by prenatal cocaine exposure, it's clear that cocaine use can lead to fetal stroke, premature labor, and detachment of the placenta. So although "most babies of cocaine-using mothers are born normal," using the drug during pregnancy, especially in the third trimester, is certainly not prudent.

The question is what, if anything, should happen to women who do it anyway. Satel thinks arresting them, as used to be the practice in South Carolina, is unnecessarily harsh (although she nevertheless attacks the lawyers who challenged that policy). Instead she would force the mothers into treatment and, if they continued using drugs, take away their babies. She does not say whether she supports a similar policy for legal drugs that can harm the fetus. Heavy drinking during pregnancy can cause birth defects, including facial abnormalities and mental retardation. Cigarette smoking is associated with premature birth, low birth weight, stillbirth, and defects such as cleft palate. Should drinkers and smokers also be forced into treatment and allowed to keep their children only if they give up their drug habits? If not, why not?

Satel's answer seems to be that illegal drug users, unlike drinkers and smokers, are apt to be bad parents, so even children who are born healthy probably will suffer from neglect and abuse. "On their own, most true addicts simply cannot take adequate care of their children," writes Douglas Besharov, a welfare researcher quoted by Satel. "Without societal intervention, their children are condemned to lives of severe deprivation and, often, violent assault." Satel notes that the experts consulted by Besharov for his book *When Drug Addicts Have Children* were "nearly unanimous in calling for rapid termination of parental rights if substance abuse continues."

In practice, this means that people can lose their children because of a positive drug test, on the assumption that they cannot possibly be fit parents if they use illegal intoxicants. The test does not distinguish between "true addicts" and occasional users, or between good and bad parents. There need be no actual evidence of abuse or neglect to justify taking the children away—just traces of the wrong

chemical in mom or dad's urine. Since Satel approvingly cites the case of a pregnant woman who stopped smoking marijuana after the state threatened to take away her baby, she apparently includes pot smokers (all 20 million of them?) in the category of drug users who should not be trusted with children. Needless to say, no such policy would ever be seriously proposed for alcoholics, let alone drinkers in general.

Satel's failure to address such inconsistencies belies her stance as a champion of logic and empiricism, eager to challenge ideologues who ignore reality. When she discusses medicine, psychotherapy, and public health, she offers astute critiques of pernicious intellectual trends that are, if not dominant, increasingly influential. But in the areas of psychiatry and drugs—perhaps not coincidentally, her professional specialties—she prefers conformity to skepticism. One might even be tempted to call her politically correct.

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Talking the Talk

Have universities lost sight of why they exist?

By Loren Lomasky

When looking for vigorous, free-wheeling speech, where do you turn? Certainly not to any conclave of politicians: Although the torrent of words they pour out on the campaign hustings and in legislatures is prodigious, the whole mass of it signifies little more than the plea, "I'd really like you to vote for me." Hierarchical organizations such as churches and corporations aren't friendly to talk that does not directly advance their missions. Like the military, their operative procedure is "don't ask, don't tell." Talk radio would fit the bill if its content weren't so uniformly trashy and unreflective. A few bars remain where undiluted give-and-take is dispensed along with the suds, but too many have gone the way of designer martinis and vapid ambience. By process of elimination, then, we had better be able to rely on our colleges and universities for speech that really matters, speech that is genuinely free.

Along with expert teaching and cutting-edge research, unconstrained discourse is the university's distinctive reason for being. These three functions should not be thought of as separate, but rather as integrated aspects of the task of creating and disseminating knowledge. In order to attain new insights, investigators must be free to try out bold hypotheses that will then be criticized without fear or favor by their peers. Any holding back in this context stanches the flow of ideas.

Similarly, education—insofar as it goes beyond rote transmission and memorization—involves challenging students' ac-

Free Speech on Campus, by Martin P. Golding, Lanham, Md.: Rowman & Littlefield, ix + 118 pages, $18.95

customed beliefs and attitudes so as to determine which hold up under pressure and which need to be rethought, improved, or junked. The greatest educator of them all, Socrates, declared that the unexamined life is not worth living. He persisted in questioning what the eminent personages of his society held sacred until they formed a lynch mob to silence him. This Socratic understanding of uninhibited speech as the linchpin of research and education was echoed by Abelard in the Middle Ages and eloquently restated by John Stuart Mill and Cardinal Newman in the 19th century. Today the natural home of this ideal is the university.

That home is, however, under continuing threat of invasion. Many colleges and universities have instituted speech codes spelling out which ideas and words are off-limits. At one, the epithet "Water buffaloes!" was found by the resident oracles to be impermissibly racist. Another banned "inappropriate laughter" and managed to maintain a straight face while doing so. Elsewhere officious administrators have shut down student newspapers and formally disciplined writers and editors alleged to have printed offensive material. Distinguished faculty members have been the object of student protests for classroom remarks denounced as racist, sexist, homophobic, or otherwise contrary to the prevailing Zeitgeist.

Remarkably, those faculty members are often left to swing in the winds by skittish deans rather than defended. They have been subjected to mandatory "sensitivity" sessions, as have whole classes of entering students. Even before they manage to locate the library, freshmen are taught that speaking their mind can harm their academic prospects.

Unlike previous episodes of repression such as the McCarthyite inquisitions of the 1950s, these are almost always orchestrated by cadres within the university community itself rather than outsiders. Nonetheless, awareness of this endemic intolerance has reached a general public which finds itself mostly bemused by these teapot tempests and doesn't understand why the "sticks and stones" maxim that most of us picked up at our mother's knee has somehow eluded learned Ph.D.s.

A great merit of Martin P. Golding's *Free Speech on Campus* is that it does not content itself with easy stabs at targets apt for skewering. To be sure, the proponents of speech restrictions have been their own worst P.R. agents. Few of us are able to silence our opponents merely by citing our superior virtue, and this tactic does not gain increased loveliness by being packaged in modish postmodern discourse. Had Golding wished, he could have easily produced a book that scored cheap points by broadly lampooning the sententiousness of the censors. Several authors have previously done just this, and I do not mean to impugn their efforts when I say that what Golding achieves here is more difficult and, ultimately, more significant. This little gem of a book demonstrates that refutations carry more weight when they are constructed on a foundation of taking the opponents' rationales seriously.

Golding, a professor of philosophy and

law, knows that intellectual progress requires freedom, but he also knows that civility is required as well. Insofar as people fail to act respectfully toward those with whom they are engaged in discourse, the conversational well is poisoned. Accordingly, unless we are complete fanatics, we reject an anything-goes conception of conversational freedom. If you give a dinner party, you probably will insist that no guest behave boorishly toward the others. Should one do so, he will be summarily scratched off the list for future invitations. We aim to raise our children so that they refrain from verbally abusing their companions. Clubs not only act within their rights to deny admission to those who are likely to be disrespectful toward other members; they also act wisely.

Virtually all social relationships rely on explicit and implicit behavioral checks controlling what may properly be said when and to whom. Universities are not such sturdy organisms that they can dispense with principles of civil accommodation. No doubt many of the well-publicized attempts to dictate such principles have suffered from heavy-handedness and dubious ideological fervor. But if these have failed to achieve the desired end, why should they not be replaced with more judicious attempts to eliminate rancor rather than rejected wholesale?

For Americans the response that first springs to mind is the First Amendment. It protects all speech, not merely inoffensive chitchat. When universities attempt to constrain people's words, they trespass on forbidden constitutional grounds. Golding is thoroughly conversant with the constitutional issues and cites relevant case law addressing the permissibility of speech codes. We learn that, almost without exception, judges have not been kind to would-be campus censors. This is, to be sure, a crucial component of the defense of free speech in academia, but for two reasons Golding does not allow it to dominate his discussion.

First, constitutional strictures pertain only to the state; private institutions are essentially unencumbered with regard to restrictions they may choose to place on the activities of faculty and students. Second, the constitutional argument may suffice to show that state institutions are legally precluded from prohibiting offensive speech, but it does not address whether this is a good or bad thing. Perhaps the liberty to teach, conduct research, and debate in ways that are experienced as hurtful by various campus constituencies is the unfortunate price we are forced to pay for the generally comforting shelter of the First Amendment. This suggests a novel argument for the privatization of higher education: Private universities are more desirable than state institutions because they enjoy a greater liberty to act as censors. Liberals will not fail to detect the irony.

The case for restricting speech is dubious on constitutional grounds but, Golding argues, it also is ill-advised even where legally permissible. He does not trivialize the hurt caused by noisy advocates of racial inferiority, smug Holocaust deniers, self-righteous proclaimers of the sinfulness of homosexuality, and so on. A considerable virtue of *Free Speech on Campus* is its sensitivity to the concerns of those who get caught in the crossfire of rambunctious rhetoric.

Unlike the McCarthyite inquisitions of the 1950s, these new limits on free speech are almost always orchestrated by cadres within the academy itself.

Some would-be speech controllers are, to be sure, power-seeking ideologues pursuing ugly agendas, but Golding does not try to tar them all with that brush. As befits a defender of free speech, he attends carefully and respectfully to his opponents' arguments. They do indeed have a case, Golding allows, but the central conclusion of his book is that it does not suffice to overcome the compelling arguments against censoring, or punishing, speech on campus. The speech controllers are aware that words can wound, but they fail sufficiently to appreciate the special function of the university. It is the institution uniquely situated to hold up alleged verities to close examination, question common wisdom, assertively seek out objections, mention the unmentionable, venture down the road less traveled, and thereby carve out inroads into frontiers of ignorance. This process will make some people uneasy. We are not by nature inclined to enjoy having our accustomed beliefs called into question. Our intellectual equilibrium is thereby upset, our self-esteem punctured. For these reasons it is tempting to call for an armistice in the war of ideas, but that temptation must be resisted if the university is to perform its special function.

That is not to say that canons of civility do not apply within universities. Over the years formal and informal standards have evolved within which speech remains unfettered, but framed so as to indicate that it's the ideas that are under attack, not the people who hold them. An important part of comporting oneself within the university is figuring out how not to give gratuitous offense.

A yet more important achievement, however, is learning how not to *take* offense. Successful inquiry requires not only a hard head but also thick skin. Like other knacks, maintaining one's intellectual cool under duress is a talent acquired through experience. This can be a painful lesson for freshmen, but its inculcation is one of the most significant returns on their tuition dollars. Unfortunately, when senior academics who ought to be models of dispassionate inquiry instead act as tenured inquisitors rooting out heretical speech, they subvert this central objective of academia. It's no wonder that other university citizens often meekly fall into line.

It ought to now be apparent why standards of decorous speech appropriate for dinner parties do not apply to universities. The former involves taking pleasure in the company of people as they are. Universities exist precisely to make people other than what they are. In social encounters we take care to observe limits, but higher education aims to stretch those limits. Polite conversation conveys information, but university discourse effects transformation. The preceding is not to be taken as an encomium to the purity of the Ivory

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Don DeLillo's Bum Luck

The novelist's low status in an age of cultural proliferation

By Nick Gillespie

In February, a literary event of no small significance occurred. Don DeLillo, arguably America's finest living novelist still in full control of his talents—and inarguably one of the most important and respected writers of the past 30 years—released his 12th work of fiction, a novella called *The Body Artist.* Though the critical response to *The Body Artist* has been less than uniformly positive, its sheer volume testifies to DeLillo's eminence. This is a book that has been written up everywhere that matters—*The New York Times* even saw fit to review it twice—and many places that don't.

Since his 1971 debut, *Americana,* DeLillo has gone from sometimes being dismissed as an epigone of Thomas Pynchon to being acclaimed (in the words of hard-to-please novelist Martin Amis) as "a writer of high intellect and harsh originality, equipped with extraordinary gifts of eye and ear—and of nose, palate and fingertips."

Along the way, DeLillo has crafted an oeuvre that includes such highly regarded novels as 1972's *End Zone* (which hilariously links college football and nuclear war); 1985's *White Noise* (which follows the travails of a professor who creates the academic field of "Hitler Studies"); and 1988's *Libra* (which offers a detailed and compelling meditation on Lee Harvey Oswald, the assassination of John F. Kennedy, and the role of accident and chance in history).

In 1997, he published *Underworld,* a massive, 827-page novel about the second half of the American Century and the end of the Cold War that was universally hailed a masterpiece. Amis again: "It isn't every day, or even every decade, that one sees the ascension of a great writer."

DeLillo is, in short and in every way, what undergraduate literature courses dub a Major Author. Yet he is also an essentially invisible author, largely unread by and unknown to not simply the vast majority of Americans, but the vast majority of well-educated Americans, most of whom have never read one of his books and could not name even one of his many memorable characters.

His situation thus represents something of a mystery: In terms of literary merit and artful explication of an American experience—and in terms of relative sales—DeLillo is easily the equal or superior of a Hemingway or a Fitzgerald. Yet he occupies nothing like the cultural niche they filled. Indeed, he doesn't even rise to the level of presence achieved at times by such postwar authors as Norman Mailer or Gore Vidal.

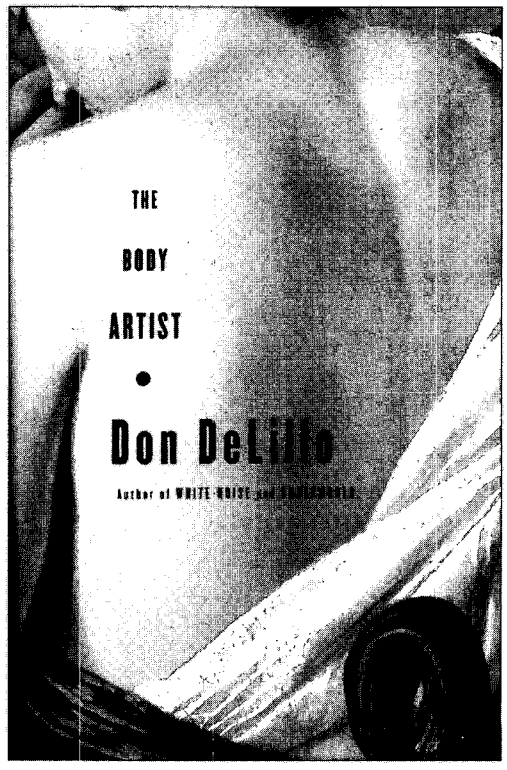
What explains this? Part of it is surely DeLillo's own doing. While he has never obsessively shunned publicity à la J.D. Salinger or Thomas Pynchon, he has rarely made himself available to the press or to critics; neither does he regularly publish reviews of or essays on contemporary writers, a tried and true way of boosting one's profile.

But a bigger part of the answer relates to the underlying dynamic of cultural proliferation and the vast outpouring in recent decades of art, music, literature, video, and other forms of creative expression. (See "All Culture, All the Time," April 1999.) In a world of ever increasing cultural opportunities—a world in which over 60,000 new books and 8,000 works of fiction are published each year—it is harder than ever for any individual writer to matter much.

A similar reality holds true for artists, musicians, moviemakers, and the like: The same situation that gives people the power to make and consume more culture undermines the clout of creators. As literary critic Stanley Fish has noted, "Artistic freedom is purchased at the expense of artistic efficacy." The result is a corresponding deflation in cultural power.

When it comes to literature, Mailer and Vidal are not simply old men, they represent old models of what it means to be an author, especially when it comes to leveraging literary fame into other areas. (On the strength of their literary success, for instance, both Mailer and Vidal ran for public office, and have acted—or at any rate appeared—in movies.)

In short, DeLillo has had the bum luck of being a great novelist when such a figure doesn't command the attention, respect, and awe it once did. At least in America, the age of the novelist as culture hero has largely passed. To his credit,



DeLillo does not seem particularly perturbed by his fate. "I've always liked being relatively obscure," he told an interviewer in 1991. "I feel that's where I belong, where my work belongs." His novel *Mao II*, which tracks the adventures of ultra-reclusive writer Bill Gray, is in part an exploration of the diminished expectations of the contemporary novelist.

Such a situation shouldn't be confused with the end of Literature, or with a barbarians-at-the-gate scenario. There are more novels (and volumes of poetry) in circulation than ever before, and more people read more books than ever before.

Indeed, one of the more interesting ironies of cultural proliferation is that artists can do quite well for themselves financially even if they no longer possess the sort of cultural capital they once did. It's worth underscoring that DeLillo is not simply a writer's writer or a critic's darling; his work also sells well. Since *White Noise*, DeLillo's books have been included in such high-volume venues as the Book of the Month Club, and they routinely chart on the bestseller lists.

DeLillo is easily the equal of a Hemingway or a Fitzgerald. Yet he occupies nothing like the cultural niche they filled. What explains this?

By early March, *The Body Artist*, which revolves around a performance artist reflecting on her husband's suicide, had already cracked Amazon.com's top 1,000 and made the American Booksellers Association bestseller list for independent bookstores.

One can only assume its sales will continue to climb, even if its author's presence in American culture does not quite rise in equal measure.

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I'VE ORGANIZED A GROUP OF PROMINENT FAT CATS TO OPPOSE REPEAL OF THE ESTATE TAX.
THAT DOES IT, POP. I'M CUTTIN' YOU OUT OF MY WILL.
BILL GATES, SR.
POK REASON01
CHIP BOK

Tower. In universities at least as much as anywhere else, vast floods of words pour forth to no useful end. Nothing would be lost if they had died aborning. However, internally or externally imposed measures to modulate that flow stifle the creativity sustained by free discourse. They transform universities into institutions that carry the name but lack the essence.

I know of no book that sets out as clearly and concisely as *Free Speech on Campus* the distinctive ethos of the university. This is not only an essay about speech but also one that practices it in exemplary style. For example, although Golding's foil is universally known as "political correctness," he never employs that term in these pages. Rather than pigeonholing by stereotype, he doggedly and intelligently sticks to the arguments. Howsoever his opponents may choose to travel, Golding consistently takes the high road. But precisely because the case presented here for freedom of speech is so strong, a further puzzle arises: Why is an attribute so critical to the effective functioning of the university today under frenzied assault by so many of its own? Why don't they realize they are fouling their own home? On this matter Golding is less forthcoming.

Some might suggest that those who attempt to suppress speech are bad people in thrall to a bad agenda. While that characterization no doubt holds for some of the speech controllers, many are thoroughly decent people who happen to have placed themselves on the wrong side of this issue. Besides, universities have always housed the good, the bad, and the morally indifferent. What is it that renders these times especially apt for eruptions of censoriousness?

I suspect that this is largely a function of the changed nature of universities. Yes, they still function as citadels for the unrestrained life of the mind. But they have taken on other responsibilities. They serve as vocational schools, dispensers of remediation to those who escaped high school unable to read or calculate well, credentialing agencies, providers of rites of passage for those perched somewhere between adolescence and adulthood, places where governments and corporations can purchase applied research services, and impresarios of athletic and artistic entertainment to surrounding communities.

As higher education has been democratized and expanded to reach new clienteles, these additional functions have grown to rival if not altogether eclipse the traditional understanding of the university as the site of uninhibited inquiry. Note that for many of these new activities, academic freedom is not only inessential but also positively detrimental; it just gets in the way of teaching and learning by rote. No

wonder, then, that the populist university is less committed to traditional academic values than was its ancestor. Golding has worked for many years at Duke, an elite university less given to assuming the character of a high school on steroids than some of its less prestigious brethren. Therefore he may have had fewer occasions to observe this phenomenon than those of us who teach at institutions where neither endowments nor SAT scores are gilt-edged.

This cannot be the whole story, however, because it fails to account for the fact that speech is under duress not only at pseudo-universities and near-universities but especially at such bastions of academic excellence as Harvard, Berkeley, and, yes, Duke. Why should they have proven to be even more susceptible than the lesser lights to intrusions by the censors?

The explanation, I believe, has much to do with higher education taking on political and social tasks that compromise academic neutrality. The elite schools have been leaders in this trend. No longer content to improve society through the slow process of nurturing individual minds in the classroom and laboratory, they have turned instead to wholesale political engineering. Are racism and sexism continuing stains on the social fabric despite longstanding efforts to weaken through education the hold of prejudice? Then perhaps the urgency of the situation justifies enforced sensitivity sessions and official sanctions against those who express themselves in ways contrary to what the enlightened have declared to be social imperatives.

Nor is it merely coincidental that as affirmative action has waxed, defense of academic freedom has waned. In the past universities, like other institutions, were insufficiently open to women and people of color. Now they attempt to atone by actively recruiting students and faculty from traditionally under-represented groups. Centers and departments dedicated to Black/Women's/Gay-and-Lesbian Studies are established in which holding correct political attitudes is as important as excellence in scholarship. Corners are cut to achieve desired ends, most especially racially based quotas for admissions and hiring. Although these are rarely publicized or even acknowledged by university administrators, the existence of differential standards and favored viewpoints is hardly a secret on campuses. That knowledge breeds cynicism and resentment among some and insecure defensiveness on the part of others.

As noted previously, universities are not dispensers of comfort and equanimity even when they function as they are meant to do, and taking on these extraneous missions exacerbates tensions. In order to keep the lid on their rapidly boiling pot, administrators decree from above the civility that their own policies have put at risk. Whatever peace is achieved is artificial and temporary. Above the surface or beneath it, the cycle of acrimony and resentment continues. The world hasn't been rendered pure after all, and that corner of it covered in ivy has sacrificed its birthright.

Unfortunately there are none so stubborn as those inspired by idealistic visions. We probably have some time to wait until universities abandon exercises in self-mutilation and instead rededicate themselves to free inquiry. The highest compliment I can give *Free Speech on Campus* is to say that it may shorten that wait by a little.

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Inside Outsiders

Three media mavericks come to terms with success

By Steve Kurtz

Matt Drudge, Larry Elder, and Bill O'Reilly are all media figures who sell their politics through a mix of news and entertainment. While they may have different beliefs, one thing unites them: They define themselves defiantly as outsiders. Thumbing their noses at the "mainstream media," they claim to give you the truth you can't get elsewhere.

These "outsiders" have now published books at about the same time; all of their titles have spent weeks on *The New York Times*' nonfiction bestseller list. In fact, *The O'Reilly Factor* even reached the very top of that list. If the Establishment is trying to stifle their voices, it's doing a pretty bad job.

Which raises the question: Just what is this mainstream anyway? Who defines it? O'Reilly has his own nightly TV program, Elder has a drive-time talk radio show in a big market, and Drudge has his news Web site, all easily accessible and all with big audiences. With more and more choices out there, and a greater variety of viewpoints represented, it's tough to decide what's in the mainstream and what's at the fringe.

Years ago, the story goes, there were fewer media options. You had only three TV networks and they told you what the news was. If *The New York Times* and *The Washington Post* worked at it, they could bring down a president. This version of things is obviously too simple: There have always been numerous alternative sources of information, and numerous media cultures and subcultures. Still, it's clearly the case that media barons have less power to monopolize information and analysis than

Drudge Manifesto, by Matt Drudge with Julia Phillips, New York: New American Library, 247 pages, $22.95

The Ten Things You Can't Say in America, by Larry Elder, New York: St. Martin's Press, 354 pages, $23.95

The O'Reilly Factor: The Good, the Bad, and the Completely Ridiculous in American Life, by Bill O'Reilly, New York: Broadway Books, 214 pages, $23.00

they used to. (Critics of media mergers claim just the opposite, of course, even in the face of vastly expanding choice.)

ABC, CBS, and NBC used to command 90 percent of the prime-time TV audience; that number has been cut almost in half. Upstart networks like Fox, UPN, and WB have nibbled away at the broadcast audience, but it's cable that has smashed whatever hegemony the networks thought they had. Viewers are likely to find programming to match their tastes—including their taste for news—almost any time.

First came CNN, with around-the-clock coverage, international viewership, and such celebrities as Larry King and Bernard Shaw. MSNBC and Fox News now beckon viewers as well. (Indeed, CNN has recently laid off hundreds of employees, in part due to increased competition.) It was once said when Lyndon Johnson "lost" Walter Cronkite regarding the Vietnam War, he knew he'd lost the country too. It's questionable if Tom Brokaw, Peter Jennings, and Dan Rather combined could match that impact today.

Fox News has grown to rival CNN. Its biggest star is Bill O'Reilly. He brags on his show whenever he beats Larry King's ratings. If CNN is establishment, isn't Bill O'Reilly?

O'Reilly is openly opinionated on the air. His book, *The O'Reilly Factor*, is a chance to explain his worldview at greater length. On the plus side, the book is like his show—fun, lively, and, as he loves to say, "pithy." He writes like the journalist he is, keeping the story moving, sticking to the point. On the negative side, a book is not a TV show. On TV there's never enough time, and O'Reilly sometimes writes like he's got somewhere else to go. The chapters are all short, and the paragraphs are broken up by headings like "Talking Point" or "Bulletin" or "This Just In." His overall approach is often scattershot, lighting on one subject, then the next, without going deeply into any.

O'Reilly says he's a political independent, though he tends to skew conservative. Yet he starts off the book talking about class in America, and readers could be excused for thinking they've stumbled upon a socialist memoir from the 1920s. He goes into great detail describing the privileged people he met while he was doing post-graduate work at Harvard (they sound unlike any Ivy Leaguers I've known), and he's bubbling over with resentment. Here's the message—O'Reilly, a working class guy, understands the problems of regular Americans, while the upper class is clueless. This populism leads him astray more than once. It makes O'Reilly think the "system is cleverly designed so that a lucky few will get rich and grab power."

While "the system" may indeed be far from perfect, it actually allows quite a few people to get rich, many more to live comfortably, and gives the average person a fair amount of autonomy as well. Class may be on O'Reilly's mind, but America isn't about the Social Register (if it ever was). O'Reilly notes both Bush and Gore are children of privilege. True, but what about Clinton, Reagan, and Nixon?

Fox News has grown to rival CNN. Its biggest star is Bill O'Reilly. He brags on his show whenever he beats Larry King's ratings. If CNN is establishment, isn't Bill O'Reilly?

O'Reilly's approach to class leads him to a common misconception about politics: that politicians could solve our problems if they simply understood us better. As if they could wake up and realize—"Oh, you want higher pay, better health care, less crime?"—then pass some laws to make it so. It also leads O'Reilly to believe not only that he's an outsider, but also to cherish this status—he won't fall for the lies the mainstream accepts.

This Just In: Bill O'Reilly, you're a rich celebrity with a Harvard degree—you can stop complaining.

Larry Elder (whom I've interviewed previously for this magazine; see "Elder Statesman," April 1996) similarly wears his outsider status on his sleeve. The very title of his book, *The Ten Things You Can't Say in America*, flings down a gauntlet.

Elder's radio show is heard in Los Angeles during afternoon drive time. The rise of talk radio over the last two decades has presented another challenge to the idea of an agenda-setting "mainstream." Talk radio leans heavily in the conservative direction. It's not entirely clear why, though the older, suburban, affluent, and white listener profile might be an explanation. Many figures in talk radio speak as if they're balancing the mainstream media, but who's balancing whom? Millions tune in talk radio every day. You can drive across the country and never be out of range of Rush Limbaugh or Dr. Laura.

Even though many of the issues Elder raises in his book are interesting—among the 10 things are the problem of illegitimacy, the oversold health care "crisis," and the interchangeability of Democrats and Republicans—his striking title is more than a little vainglorious. Elder's perch is KABC, the local radio station of one of the big three networks—the one owned by Disney. He also does a daily simulcast on KCAL-TV, and is the host of the Warner Bros. TV show, *The Moral Court*. He's built a career on putting out his message. There's apparently a sizable audience that either agrees with him or is at least willing to listen.

Though it has pretensions of scholarly rigor, with 18 pages of charts and 20 pages of notes, *Ten Things* is written in a popular style. Elder repeats favorite on-air phrases such as "toe-tag liberals" and "the fit hit the shan." He makes plenty of good points (about, for example, decreasing white racism and minimum wage laws), but still skips around a lot and sometimes doesn't take the final step in his arguments.

For example, his first chapter argues that "blacks are more racist than whites." Assume that Elder is right that blacks are more likely than other groups to see life in America through the prism of race. Is this surprising? For one thing, race is not an issue blacks can easily ignore. Also, any marginalized group is likely to be more radical than the average—if you looked at the most marginalized whites in America they'd probably be saying and doing more outrageous things, too. For Elder's claim to mean anything, he has to do more than cite examples and polls that demonstrate

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the phenomenon. He has to argue convincingly that not only are blacks more "racist" by conventional standards, but that it's inappropriate to their situation because it ends up hurting both them and others. Elder starts down this path at the end of the chapter but never carries it through.

Elder may be correct that he's saying things that are seldom voiced. While both major political parties sometimes use portions of the libertarian argument (adorned by the usual caveats and qualifications), Elder's full-throttle version (e.g., get rid of the War on Drugs) is rare. But just because you may not hear something doesn't mean you can't say it. Maybe it's hard to get these arguments out there, and maybe the opposition is well-organized, but all these views can be found if you look for them, and the people who make them aren't generally punished beyond verbal disagreement. Then again, perhaps Elder, who's been the target of boycotts, is more sensitive on this point than most.

Along with O'Reilly's viewers and Elder's listeners is another huge audience: Internet users. The Internet does, in fact, have the potential to revolutionize how we receive information. It may even change things more than radio or television did, by breaking the mainstream into thousands of rivulets. Once you get on the Internet, the hundreds of choices cable and radio offer immediately increase into millions. What's more, they can be both personalized and made interactive.

In his *Manifesto*, Internet pioneer Matt Drudge makes huge claims for his medium. (And he does see it as *his*—I don't think I caught a mention of any other Web site in his book.) He seems to think the revolution is already over and the Internet won. Drudge, of course, created *The Drudge Report* (www.drudgereport.com). It started with his emailing show biz tidbits to a select few from his PC in a tiny Hollywood apartment. His audience grew exponentially and the gossip got to be more about politics. In 1998, when he broke the stalled Monica Lewinsky story, he made his name. His Web site presently gets over half a billion visits a year.

Drudge doesn't need to worry about the time constraints of TV or radio. He can put up whatever he wants, whenever he

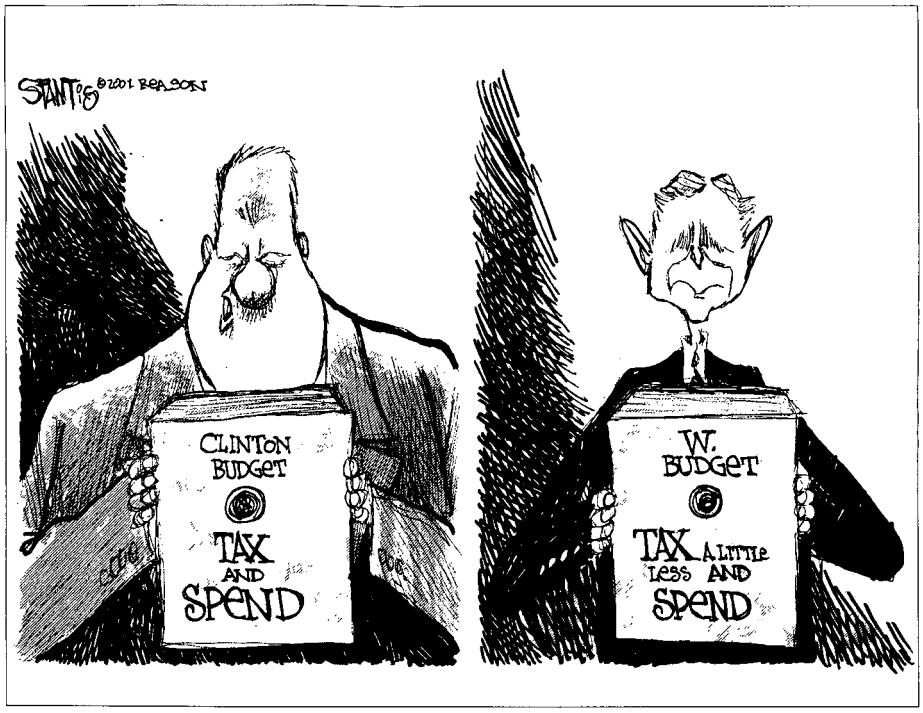
wants. At times, it seems his book tries to emulate this new world, going off in all directions at once. Drudge wants to be an updated Walter Winchell. As a result, he's created a book that's a weird mixture of film noir from the '40s, hipster language from the '50s, and Pop Art from the '60s. The book's layout includes different fonts, poetry, lists of diets, and pages with only the number zero. (Drudge keeps reminding us "it's the Zeroes"—most likely he's referring to the 2000s, but perhaps it's also an allusion to the 0s and 1s of computer language.)

He narrates his story as if he's the hero in a bad Raymond Chandler novel: "... hop into my red Metro Geo, whose balding tires squeal all the way home. Past Melrose. Santa Monica. Sunset. I twitch at the Bank of America on the southwest corner where I deposit my nickels and dimes. In the ten years I've lived here, I've related to these streets so many different ways. I've walked 'em. I've skate-boarded 'em. Bussed [sic] 'em. Limousined 'em. I've been chased, but most of the time I'm chasing around and down the boulevards I call home."

The eccentricities of this eclectic style aren't too bothersome when he tells us the origin of *The Drudge Report* or the backstage story of L'Affaire Lewinsky. But as the book devolves into a screed against our mergered mass media, it doesn't wear well.

Moreover, his attack is overstated. The Internet hasn't taken over yet—people still get their news from television, radio, and papers, and the Internet is still mostly a supplement. In fact, a number of high-flying Internet content providers have crashed since Drudge's book came out. His mockery of the media and their many failings, his pronouncements that print and TV are dead, come across as braggadocio. (He believes his airing of Monicagate was one of the top 10 media events of the 20th century, along with the invention of television, Edward R. Murrow's *See It Now*, and Ted Turner's launch of CNN.)

Drudge may use slightly different tools, but he's in the same game as everyone else. He's broken stories that others wouldn't touch, and that's worth something, but his greatest claim to fame—Monica Lewinsky—wasn't original research, it was him releasing a piece that *Newsweek*, that most



SCOTT STANTIS

mainstream of weeklies, was dithering over publishing. The Internet may afford chances for more and more information to be released (let the reader beware), but one source running a story that another sat on was common long before Matt Drudge bought his first calculator.

Perhaps the most salient difference between the likes of O'Reilly, Elder, and Drudge and the "mainstream" they vocally deride is one in prestige—or class, as O'Reilly would have it. But even that line is getting increasingly murky. Political leaders, authors, and others seem more than happy to appear on their shows. A few months ago, O'Reilly interviewed Elder. They bemoaned the fact the networks and other large outlets were ignoring them. But Elder had already been profiled some time before on *60 Minutes*, and would soon be on *Crossfire*, while O'Reilly would be interviewed on *Good Morning America* and *Charlie Rose* and profiled in *Newsweek*. Matt Drudge himself has been hired (and fired) by Fox and ABC.

So why do people enjoying such—dare I say it—mainstream success feel a need to portray themselves as outsiders? Part of the answer surely lies in the enduring appeal of such classic American figures as the Rebel and the Self-Made Man. America was born out of rebellion, and many of our popular public figures since—from Emerson to Twain to Mencken to James Dean—gained fame as individuals who were somehow outside the mainstream in one way or another. The idea of rebelling is safe enough today that Burger King had an ad campaign based on breaking the rules. Being called "mainstream" can be almost as bad as being called "politically correct"—it's more an accusation than a meaningful description.

In an American context, the Rebel and the Self-Made Man are particularly successful ways of presenting one's self. Work hard and please the customer, of course, but also create an image that you did it your way (another Burger King slogan). Sure, you could have taken the easy path, but you didn't just want to go along. This frame not only compliments the subject, but the audience, as well. They too are smart enough to see through conventional thought of the day.

O'Reilly, Elder, and Drudge did do it their way, at least to a certain extent. They kept at it and created niches for themselves. But here's the funny thing about rebels: Win enough battles and you become the establishment. Once that happens, it doesn't take long before some young Turks decide it's time to take you on. ◆

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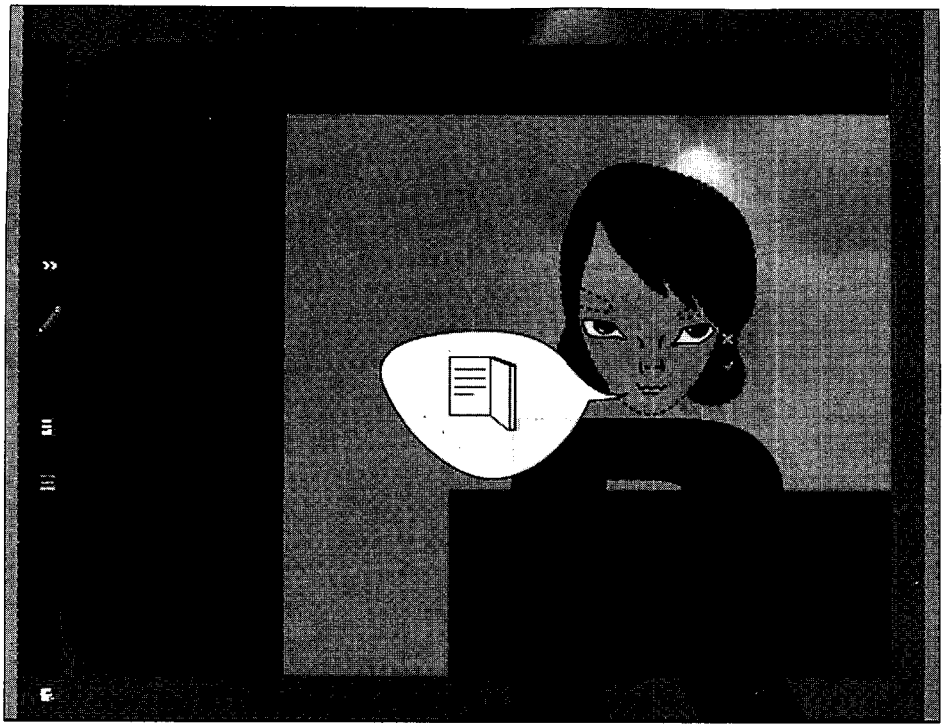
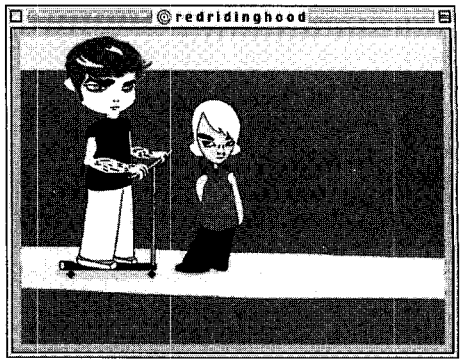
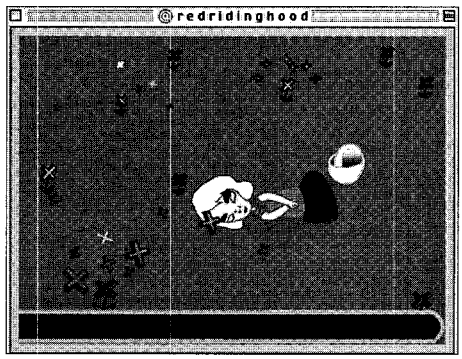
Digital Dreaming







Here are moments from Donna Leishman's *redridinghood* (www.6amhoover.com), part of the most recent generation of interactive online narratives. Digital artists such as Leishman have been experimenting with the technology for over a decade, looking for ways to bring "readers" into their stories. Leishman, for example, portrays different states of mind of her main character in different frames. Other artists have achieved their own striking narrative advances.

But where, after all this innovation, is the audience? Interactivity remains a narrative novelty; digital storytelling, it seems, still has a number of aesthetic problems to resolve. Digital technology can eliminate cultural middlemen, but just how dispensable are storytellers and their control? Can these narratives ever escape a sense of game playing? Does active involvement prevent the kind of immersion that people may require of a story; that may in fact be the source of their pleasure?

Interactive narratives, like interactive games, have so far worked best in convention-heavy settings, especially the gothic. (Think of *Myst*.) That raises some questions about traditional storytelling, particularly the extent of "game playing" in some of our most enduring—and convention heavy—genres. Aren't readers playing a sort of "Fool Me" when approaching mysteries, "Scare Me" with horror, "Move Me" with romance, etc.?

It may well be that a major achievement of digital interactivity will have been to more clearly reveal the hidden games of print and film.

—Charles Paul Freund

The Environment Wins with Norton

erry L. Anderson is the artin and Illie Anderson Senior Fellow at the oover Institution and the xecutive director of the Political Economy Research Center.

Before Gale Norton's confirmation hearing began, the "saynotonorton" web site was buzzing, the *Washington Post* carried a full-page ad sponsored by environmental groups blasting Norton, and Greenpeace protesters hung a banner at the Department of Interior reading "Our Land, Not Oil Land." It looked as though Norton might be in trouble. Despite this blitz, the environmentalists didn't get their blood and Norton sailed through the Senate on a 75-24 affirmative vote.

Why did the environmentalists lose? First, Ms. Norton proved not to be "Watt in a skirt" (referring to President Reagan's secretary of Interior) but rather a charming, reasonable person capable of collaborating with all stakeholders in Interior affairs.

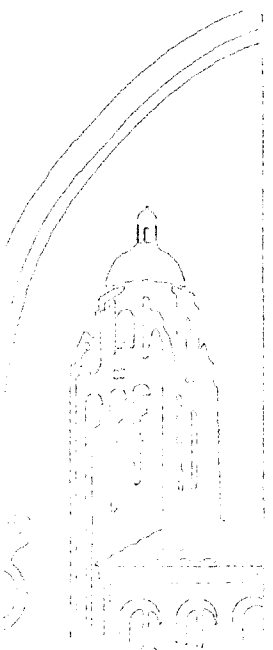
Perhaps more important, she explained how she could be a "compassionate conservative" and a "passionate conservationist." Her practical environmentalism exposed the radical rhetoric of the environmental groups. They say no to exploring for oil in the nineteen-million-acre Arctic National Wildlife Refuge, while Norton points out that exploration would only involve 2,000 acres and then only when the tundra is covered with snow. They urged the Clinton administration to lock up nearly six million acres in national monuments and fifty-eight million acres in roadless areas without any input from state and local governments or citizens, while she wants full involvement of the people directly affected.

Although the environmentalists lost, **the environment will win if the new administration pursues a theme of pragmatic environmentalism.** Here are a few suggestions: allow ranchers to sell their grazing permits to environmental groups on a willing buyer–willing seller basis (the Grand Canyon Trust has tried this on federal lands in southern Utah but has been thwarted by Interior policies); expand the ability for national parks to raise revenues from user fees and to reinvest them where they are collected (Yellowstone is already using fees to generate millions for fixing its decaying infrastructure); reward private landowners for improving endangered species habitat (one environmental group currently compensates ranchers who lose livestock to wolves, another is leasing water to increase stream flows for endangered salmon and steelhead); and establish transferable fishing quotas to give fishers an incentive to reduce overfishing (this approach has proved effective in Alaska's halibut fishery and in New Zealand and Australia).

Writing in the 1930s, Aldo Leopold, the environmentalists' icon, said that "conservation will ultimately boil down to rewarding the private landowner who conserves the public interest." President Bush and Secretary Norton understand the wisdom of this statement.

In a May 1999 meeting with policy analysts including Norton, then-Governor Bush said, "When I leave office, the air and water will be cleaner, and the land will be better cared for. Your job is to tell me how to make that happen." If the Bush administration uses market approaches and devolves some policy to state and local governments, he will be the environmental president.

— Terry L. Anderson



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